

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 15 November 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	<b>Westminster Fire Station, 4 Greycoat Place, London, SW1P 1SB,</b>		
<b>Proposal</b>	Use of the fire station (ground floor) as Class A3 and (four upper floors) as Class C3 use (6 flats) with associated internal and external alterations. Demolition of the existing rear buildings and replacement with a five storey residential building to provide 11 flats with balconies, excavation of one storey basement under the entire footprint of the site to accommodate A3 use and residential use. Installation of photovoltaic panels to roof level of rear building. Rebuilding of the existing rear tower with installation of plant on top.		
<b>Agent</b>	Miss Fiona Flaherty		
<b>On behalf of</b>	.		
<b>Registered Number</b>	16/05216/FULL and 16/05217/LBC	<b>Date amended/ completed</b>	9 June 2016
<b>Date Application Received</b>	3 June 2016		
<b>Historic Building Grade</b>	II		
<b>Conservation Area</b>	Broadway And Christchurch Gardens		

## 1. RECOMMENDATION

For Sub-Committee's consideration:

Do members agree that:

1. The replacement social and community facility should be a minimum of 256m<sup>2</sup> (gross external area)?
2. The Breast Cancer Care Centre is an appropriate replacement social and community facility?
3. The offer to pay £500,000 to be held in escrow until the applicant has secured a suitable replacement social and community facility within a period of four years from the date of planning permission is acceptable?
4. Subject to 1, 2 & 3 above, grant conditional permission, subject to a S106 legal agreement to secure the following:
  - i. A replacement social and community facility with a minimum 256m<sup>2</sup> floorspace (gross external area) to be provided elsewhere in the City.
  - ii. A payment of £500,000 to be held in escrow until the applicant has provided a suitable replacement social and community facility within a period of four years from the date of the planning

permission.

iii. The applicant to comply with the Council's Code of Construction Practice, provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of £52,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers.

iv. Life-time car club membership (25 years) for residents of the development;

v. Highway works surrounding the site required for the development to occur;

vi. Costs of monitoring the S106 agreement.

If the S106 legal agreement has not been completed within three months of the date of this resolution then:

a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;

b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

5. Grant conditional listed building consent

6. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter

## 2. SUMMARY

Westminster Fire Station is a Grade II listed building located within the Broadway and Christchurch Gardens Conservation Area but outside the Central Activity Zone (CAZ). To the rear of the site there are outbuildings which are not listed. The building has operated as a fire station since the early 1900s and comprises offices, rest areas, welfare accommodation, storage, washrooms, and other ancillary space to its use as a fire station. The property is now vacant except for a private flat at second floor level.

Planning permission is sought for the use of the front building as a restaurant at ground floor level and residential flats at upper floors, demolition of the rear buildings, excavation works to create a basement under the entire footprint of the site and erection of a five storey residential building.

The key issues in this case are:

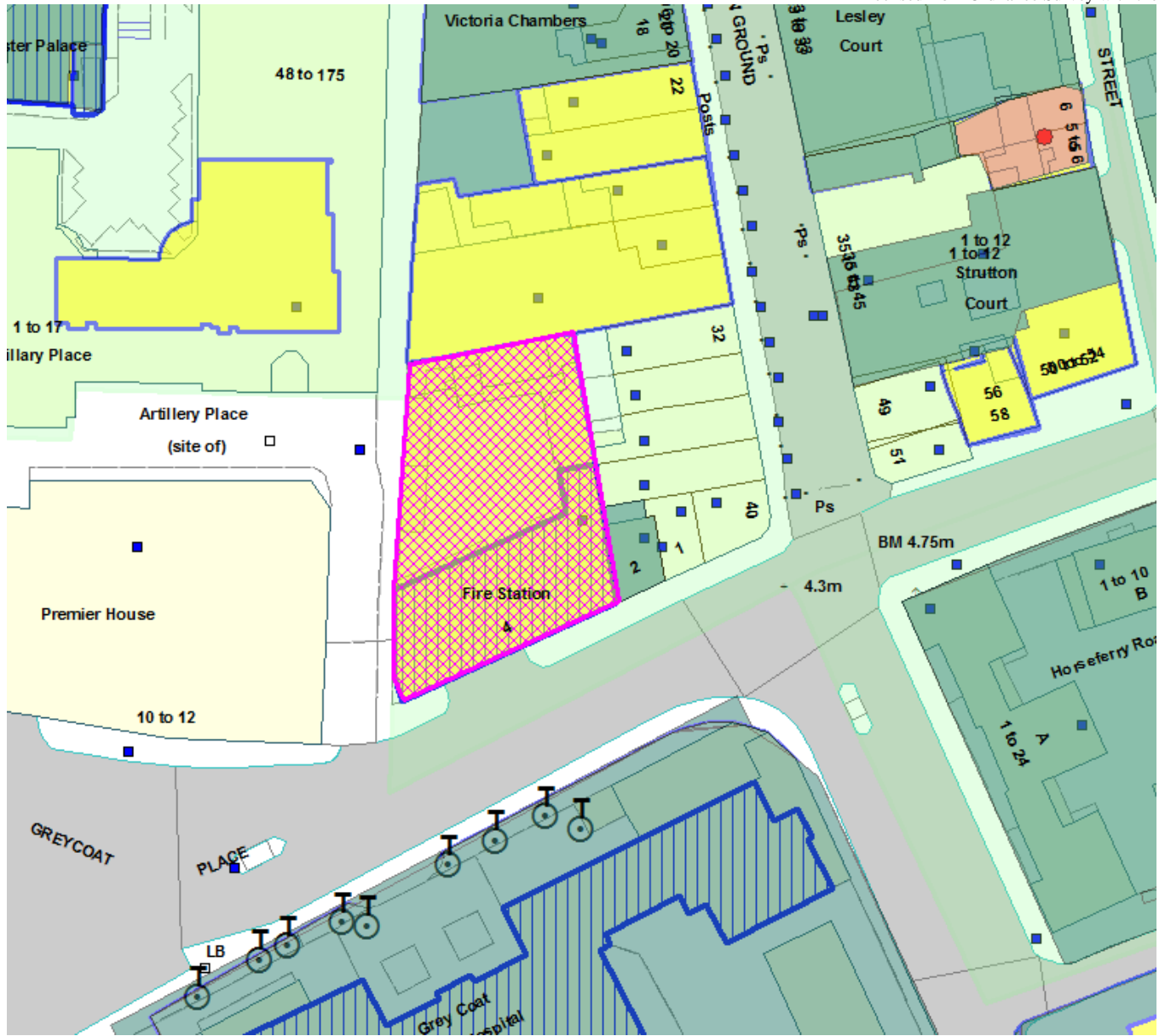
- \* impact of the scheme on special interest of the listed building
- \* impact of the scheme on the character and appearance of the conservation area
- \* loss of a community use
- \* impact of the scheme on amenity and neighbouring occupiers
- \* parking and servicing arrangements

Objections have been received from the Thorney Island Society, the Westminster Society and surrounding residents principally on the grounds of land use, amenity and design. Whilst the objections are noted and understood, it is not considered that they are sustainable on this occasion for the reasons set out in the report.

The proposal is considered acceptable in terms of design, highways, and amenity policies. However members' views are sought on the mechanism for securing a replacement community facility as set out in the recommendation.

### 3. LOCATION PLAN

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4. PHOTOGRAPHS



Front Elevation onto Greycoat Place



Rear view





Existing buildings at the rear of the fire station

## 5. CONSULTATIONS

### WARD COUNCILLORS FOR ST JAMES'S:

No response to date.

### HISTORIC ENGLAND:

Do not consider that this application should be notified to Historic England.

### HISTORIC ENGLAND ARCHAEOLOGY:

Recommend's archaeological conditions.

### THORNEY ISLAND SOCIETY:

Welcome the reuse of the building but question the use of the property as residential in a busy street and the lack of parking, over-development at the rear, lack of affordable housing and lack of parking.

### WESTMINSTER SOCIETY:

Welcome the re-use of the building as long as servicing arrangements are acceptable and there are no parking issues, over-development to rear and sense of enclosure.

### METROPOLITAN POLICE:

No objection but concerns about boundary walls, access control of communal entrances, physical security, bicycle storage, fire service access, CCTV, mail delivery, communal courtyard.

### HIGHWAYS PLANNING:

Object on the grounds of lack of car parking. The on-street car parking and servicing proposals are not acceptable.

### CLEANSING:

Following reception of additional information no objection but waste servicing not agreed.

### BUILDING CONTROL:

No objection.

### ENVIRONMENTAL HEALTH:

No objection subject to conditions on noise, air quality and ventilation.

### GO GREEN PROGRAMME:

Following receipt of additional information no objection is raised.

### ADJOINING OWNERS/OCCUPIERS

No. Consulted: 358

Total No. of replies: 12

No. of objections: 12

No. in support: 0



The letters of objection raise the following issues:

Design:

- \*Height of new building to the rear. The height of the new tower is excessive.
- \*Over-development to the rear.
- \*The development at the rear fails to preserve the integrity of the listed building.
- \*Harm to conservation area, appearance of the scheme
- \*The existing low rise buildings provide a welcome break in the built environment
- \*Lack of details for the PV panels

Land use:

- \*Loss community asset – public courtyard, loss of valuable local service
- \*No affordable housing
- \*No community benefits to compensate loss of fire station.

Amenity:

- \*Loss of daylight, sunlight and outlook.
- \*Loss of privacy and overlooking.
- \*Noise and cooking smells from restaurant activity
- \*Noise from plant
- \*Noise from residential balconies

Highways:

- \*Lack of space on site for car parking for future residents and deliveries to the restaurant.
- \*Creation of parking outside the station will lead to traffic congestion and safety issues

Other:

- \*Disturbance during excavation and construction works – hours of works to be limited
- \*Comments from public consultation by applicant not taken into consideration.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

Westminster Fire Station is a Grade II listed building built in 1906. It is located within the Broadway and Christchurch Gardens Conservation Area but outside the Central Activity Zone (CAZ). The main building is five storeys in height and the front elevation of the building faces onto Greycoat Place. To the rear of the site there are outbuildings which are not listed. At upper floor level the building comprises offices, rest areas, welfare accommodation, storage, washrooms, and other ancillary space. The property is now vacant except for the occupation of a two bedroom leasehold flat located at second floor level.

The surrounding area has a mixture of uses including commercial and educational with the majority being residential. Artillery Mansions is located to the north west and comprises a large scale residential development that overlooks the rear of the site. .

Greycoat hospital which is Grade II listed and used as a school is located directly opposite the site. There are residential flats to the east on Strutton Ground that overlook the site at the rear.

## 6.2 Recent Relevant History

There is no history relevant to this application.

## 7. THE PROPOSAL

Planning permission and listed building consent are sought for the use of the front building as restaurant at ground and basement levels and residential use at upper floors. It is also proposed to demolish the existing out buildings at the rear and erect a five storey residential building. The scheme will provide a total of 17 flats (4 x 1 bedroom, 9 x 2 bedrooms, 4 x 3 bedrooms). The scheme also proposes:

- excavation works under the entire footprint of the site to create a single level basement;
- provision of a landscaped communal courtyard;
- provision of balconies for the new residential building;
- installation of PV panels at roof level of the new buildings at the rear;
- provision of mechanical plant within the new tower.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The table below provides a breakdown of existing and proposed floorspace (GEA)

Use	Existing	Proposed	Change
<b>Fire station (sui generis)</b>	1552	0	-1152
<b>Residential</b>	119	3054	+2935
<b>Restaurant</b>	0	571	+571
<b>Total</b>	1671	3625	+1954

### Loss of community use

The Westminster Fire Station closed in 2014. This was part of a wider strategy by the London Fire and Emergency Planning Authority (LFEPA) which sought to provide cost savings and amalgamate the facilities within London leading to the closure of 10 fire stations with Westminster Fire Station being one. The proposal would result in the loss of a social and community use within Westminster and objections have been received on this basis.

Westminster's City Plan Policy S34 states that "All social and community floorspace will be protected except where existing provision is being reconfigured, upgraded or is being relocated in order to improve services and meet identified needs as part of a published strategy by a local service provider. In all such cases the council will need to be satisfied that the overall level of social and community provision is improved and there is no demand for an alternative social and community use for that floorspace. In those cases

where the council accepts a loss or reduction of social and community floorspace the priority replacement use will be residential.”

Policy SOC 1 of the UDP states that “Proposals which involve the redevelopment or change of use of community facilities will be required to include adequate replacement facilities. Where the facility is surplus to the needs of the existing provider, any new development on the site should include an alternative community facility. Where adequate replacement facilities are not proposed then the City Council will refuse planning permission for this type of proposal.”

Officers accept that the Westminster Fire Station was surplus to requirements and that its closure was part of a published strategy for the reconfiguration of the fire service in London. However the proposal does not include a replacement community facility on site and no marketing information has been provided to demonstrate that there is no demand for an alternative social and community use for that floorspace.

Instead the applicant has advised that it is their intention to provide a replacement community facility to accommodate a Breast Cancer Centre elsewhere within Westminster. The applicant argues that the size of the replacement facility should be limited to 256sqm because the working fire station only comprised the ground floor which is only a small portion of the building. The rest of the building they argue comprised of offices initially for the local Fire Safety Team, who were involved with enforcing fire safety regulations, and subsequently for the Fire Brigade Special Operation Team. Members’ views are therefore sought as to whether the replacement social and community floorspace should be limited to 256sqm.

To address policy SOC 1 the applicant proposes the provision of 256sqm of social and community floorspace to accommodate a Breast Cancer Centre. As the applicant has not yet acquired a suitable premises it is suggested by the applicant that upon receipt of planning permission, a payment will be made to the Council for £500,000 to be held in escrow until a suitable replacement facility can be found. If this has not happened within a period of four years from the date of planning permission, the escrow payment can be used by WCC towards community provision within the borough. Members views are sought as to whether (i) a breast care centre is an appropriate social and community facility and (ii) whether this mechanism for securing a replacement social and community facility is acceptable?

### **Restaurant use**

The proposed restaurant is to be located at ground and lower ground floor level at the front of the building with access from Greycoat Place. Concerns have been raised by neighbouring occupiers in terms of noise and smells from the proposed restaurant use. One objector has requested conditions to ensure that the bar is for restaurant customers only and outdoor area should not be used for drinking and eating.

UDP Policy TACE 10 applies to proposals for large entertainment uses over 500m<sup>2</sup> and states that permission will be granted for such uses only in exceptional circumstances.

The street frontage along the north side of Greycoat Place is predominately in commercial use where there are offices and other retail uses. The proposed restaurant

use is considered compatible with the character and function of the area and will provide animation to the street frontage, continuing the pattern of retail/commercial uses at ground floor level on the northern side of Greycoat Place. Although residential units are proposed immediately above the restaurant and there are existing residential uses across the road in the Horseferry Road Estate, it is considered that with appropriate management and conditions to control hours of operation and capacity, the concerns of objectors about noise from people leaving and arriving at the premises can be controlled to ensure the restaurant use will not harm the amenity of local residents or the character and function of the area. The rear courtyard will not be accessible to restaurant patrons and the rear windows to the restaurant will need to be partially obscure glazed and fixed shut to protect the residents of Artillery Mansions behind.

The applicant has requested a terminal hour of 1am on Fridays and Saturdays. However given the close proximity of existing and future residential properties a terminal hour of midnight Monday to Saturday and 23.30 on Sundays and public holidays is recommended.

The concerns about the servicing arrangements of the restaurant are dealt with under the transportation/parking section below.

### **Residential use**

The Thorney Island Society query if the use of the site as residential is appropriate given the lack of car parking and the busy environment.

The creation of 2935sq.m of new residential floorspace is considered acceptable in land use terms, and complies with both Policy H3 of the UDP and S14 of the City Plan which seek to increase the residential floorspace within Westminster. Policy S14 states that housing is a priority across the borough. The introduction of 17 units on the site would make a small but important contribution to new housing provision within the City.

The residential mix and tenures are summarised below:

Unit type	Affordable housing	Market	Total No. of units	% unit mix
1 bed	0	4	4	23.5%
2 bed	0	9	9	52.9%
3 bed	0	4	4	23.5%

The City Council wants to encourage more families to move into and stay in Westminster by providing more family sized housing. Policy H5 of the UDP requires that 33% of housing units be family-sized accommodation. Whilst the proportion falls below the 33% required by policy, the range of unit sizes offered and the re-use of the building are considered to provide sufficient benefit to outweigh this.

Objectors are concerned that the proposal is an overdevelopment of the site. The London Plan density matrix (Table 3.2 in support of the London Plan Policy 3.4) suggests an indicative residential density of between 650–1100 habitable rooms/ha for central areas with a Public Transport Accessibility Level between 4 to 6. The proposed development is will fall within this range.

### **Standard of accommodation**

The proposed residential units have been designed to meet the national space standards and the Mayor's dwelling space standards set out in the London Plan Policy 3.5 with 8 of the 17 units benefiting from private amenity space in the form of balconies or terraces. In addition all residents will benefit from the landscaped rear courtyard.

The proposed units would range in size (GIA) as follows:

- One bedroom : 39 to 65 sq.m
- Two bedroom: 84 to 135 sq. m
- Three bedroom: 120 to 165 sq. m

The new flats would provide a good standard of accommodation in terms of size units in accordance with the requirements of the national space standards and there are no single-facing units.

The application is supported by an acoustic report which assesses the potential impact on noise levels within the new flats. Subject to the standard conditions relating to internal noise and vibration, it is considered that the new flats would provide an acceptable standard of accommodation for future occupiers.

Subject to appropriate conditions, including a condition requiring appropriate sound insulation between the restaurant use and new residential flats, the scheme is generally considered to provide a good standard of accommodation for future occupiers.

### **Affordable housing**

Objections were received from the Thorney Island Society and neighbours regarding the lack of provision of affordable housing.

Policy S16 relates to affordable housing. It requires that proposals of 10 or more new residential units or those including over 1000m<sup>2</sup> of additional residential floorspace must provide affordable housing.

The expectation of the London Plan, the UDP, and the City Plan is that affordable housing should be provided on site. Policy S16 states "where the Council considers that this is not practical or viable, the affordable housing should be provided off-site in the vicinity. Off-site provision beyond the vicinity of the development will only be acceptable where the Council considers that the affordable housing provision is greater and of higher quality than would be possible on or off site in the vicinity, and where it would not add to an existing localised concentration of social housing"

The interim guidelines expect that that a development of the size proposed should provide 763sqm of affordable housing floorspace or 9.5 units of accommodation. Where it is neither practical nor viable to provide affordable housing on-site and the applicant is unable to provide off site affordable housing, a financial contribution towards the City Council's Affordable Housing Fund may be accepted as an alternative. The current scheme would generate a requirement of financial contribution of £3,625,200 in lieu of on-site provision.

The applicant has produced a viability report in line with the guidance contained in the London Plan to support the argument that neither on-site, off-site provision nor a payment-in-lieu would be viable. This report has been subject to an independent review by Gerald Eve acting on behalf of the Council who concur that the scheme is unable to support a contribution towards affordable housing.

## 8.2 Townscape and Design

Adjoining neighbours point out design concerns in relation to the proposed scheme, in particular the redevelopment to the rear which is described as over-development with a loss of break in the built environment, excessive in height, not subservient to the listed building and creating harm to the conservation area.

Westminster Fire Station is a grade II listed building located within the Broadway and Christchurch Gardens Conservation Area. It is listed as a good example of a particular building type and dates from 1906. The fire station use has now ceased and to ensure the ongoing future of the structure a long term viable use is required. The listing is restricted to the front historic building. The watchtower and modern development to the rear are of no interest. The significance of the listed building is largely restricted to its front façade and roof which is in the distinctive, red brick and stone “Queen Anne” style so typical of this particular building type and period. Internally, the building is generally unadorned, though there are significant spaces in the tender garage, the watchman’s room and a good staircase. All these are proposed to be retained, largely unaltered.

The proposed works to the listed structure are relatively minor. Internally, the works of alteration do not affect any of the items of architectural or historic significance. The insertion of four conservation rooflights to the rear roof slope and a new access door to the front roof slope will have no adverse effect on the building or its conservation area setting.

The proposed new lift and access core is no higher than the existing watchtower that is to be demolished, though it does have greater bulk and is more visible above the fire station roof. However, views of this are fleeting and partial and this is not considered to be a negative effect. The new building to the rear is a modern, contemporary design in white glazed and unglazed brick. While the detail of the materials is to be conditioned for approval of samples, there is no concern over the principle of a light coloured brick in this location. The scale and height of the proposed building does not adversely affect the setting of the listed building and its secluded location to the rear of the site means it has only a very limited visual impact on the surrounding conservation area. It is not considered that there is any adverse impact on the listed building or surrounding conservation area.

One objector mentions the lack of details in relation to the proposed photovoltaic panels. It is considered that sufficient information has been submitted to agree the principle at this stage and it is recommended that further details are secured by a condition.



### 8.3 Residential Amenity

Policy ENV13 of the UDP states that the Council will resist proposals that would result in a material loss of daylight/sunlight, particularly to residential dwellings, and that development should not result in a significant increase sense of enclosure, overlooking or cause unacceptable overshadowing. Similarly, Policy S29 of the City Plan aims to protect the amenity of residents from the effects of development.

The site is located in an area that is characterised by a mix of commercial and residential uses, however, there are a number of residential properties within close proximity. Objections have been received from residents at Artillery Mansions and Strutton Ground on amenity grounds including loss of light, loss of privacy, increased sense of enclosure, overlooking and noise.

#### **Sunlight and Daylight**

Objectors have stated difficulties in understanding the daylight/sunlight assessment originally submitted. This was partly due to discrepancies between key diagrams and the windows assessed. A revised daylight/sunlight assessment has been submitted to overcome the deficiencies.

The Thorney Island Society and one objector mentions that dormer windows directly to the north of the site at 26-28 Strutton Ground have not been included as part of the assessment. These windows serve an office building which benefit from additional windows on its northern elevation and our planning policies do not afford commercial uses the same protection from loss of daylight/sunlight as residential properties. It was also stated that the assessment did not take into consideration the actual size and layout of the flats in Artillery Mansions. Whilst a detailed flat layout would have been helpful for the No Sky Line test, it is not necessary for the vertical sky component test.

Objections have been received from the occupants of Artillery Mansions on the grounds that the proposals will result in a loss of daylight to windows facing the application site. The southern part of the east elevation of Artillery Mansions directly faces the application site.

#### Methodology

Policy ENV13 seeks to ensure good lighting levels for habitable rooms in existing premises. Recommended standards for daylight and sunlight in residential accommodation are set out in the Building Research Establishment (BRE) publication "Site layout planning for daylight and sunlight" (second edition 2011). The applicant has undertaken a daylight and sunlight assessment in accordance with the BRE guidelines.

With regard to daylight, Vertical Sky Component (VSC) is the most commonly used method for calculating daylight levels and is a measure of the amount of sky visible from the centre point of a window on its outside face. This method does not need to rely on internal calculations, which means it is not necessary to gain access to all the affected properties. If the VSC achieves 27% or more, then the BRE guide advises that the windows have the potential to provide good levels of daylight. If however, the light received by an affected window, with the new development in place, is both less than 27% and would be less than 0.8 (i.e. a loss of 20%) then the reduction in light to that

room will be noticeable. Where rooms are served by more than one window of the same size, any loss of light to these individual windows can be considered as an average.

The No-Sky Line (NSL) method has also been used, which measure the daylight distribution within a room, calculating the area of working plane inside the room that has a view of the sky. The BRE advises that a room may be adversely affected if the area of the room beyond the NSL is less than 80% of its former value.

In terms of sunlight, the BRE guidelines state that if any window received more than 25% of the Annual probable Sunlight Hours (APSH) including at least 5% during the winter months (21 September to 21 March) then the room should receive enough sunlight. The BRE guide suggests that any reduction in sunlight below this level should be kept to a minimum. If the proposed sunlight is below 25% (and 5% in winter) and the loss is greater than 20% of the original sunlight hours either over the whole year or just in the winter months, then the occupants of the existing building will notice the loss of sunlight. Windows are tested if they face 90 degrees of due south.

The results for the daylight (VSC) assessment for affected properties in Strutton Ground and Artillery Mansions are set out in the table below. For Artillery Mansions the results for VSC are shown with balconies in place and without balconies:

Window/room	Existing VSC	Proposed VSC	VSC Loss (%)
<b>32 Strutton Ground</b>			
1 <sup>st</sup> floor, kitchen, window 13	17.3	10.3	7 (40.5)
1 <sup>st</sup> floor, habitable room, window 15	11.2	10.6	0.6 (5.4)
1 <sup>st</sup> floor, habitable room, window 28	17.4	17.4	0
<b>34 Strutton Ground</b>			
1 <sup>st</sup> floor, living room, window 7	9.4	6	3.4 (36.2)
1 <sup>st</sup> floor, living room, window 8	10.6	7.4	3.2 (30.2)
1 <sup>st</sup> floor, living room, window 10	8.6	5.4	3.2 (37.2)
1 <sup>st</sup> floor, kitchen, window 11	16.6	8.2	8.4 (50.6)
1 <sup>st</sup> floor, kitchen, window 12	16.7	8.8	7.9 (47.3)
<b>36 Strutton Ground</b>			
1 <sup>st</sup> floor, bedroom, window 3	9.5	6.7	2.8 (29.5)
1 <sup>st</sup> floor, bedroom, window 4	11.6	8.8	2.8 (24.1)
1 <sup>st</sup> floor, bedroom, window 6	10.1	6.8	3.3 (32.7)

Window/room	Existing VSC	Proposed VSC	VSC Loss (%)
<b>Artillery Mansions</b>			
1 <sup>st</sup> floor, bedroom window 8 (without balconies)	12.9	10	2.9 (22.5)
	13	10.1	2.9 (22.3)
1 <sup>st</sup> floor, living room window 9 (without balconies)	9.8	5.1	4.7 (48)
	18.6	11.4	7.2 (38.)
1 <sup>st</sup> floor, living room window 10 (without balconies)	12.4	4.6	7.8 (62.9)
	21.2	11.5	9.7 (45.8)
2 <sup>d</sup> floor, bedroom, window 17 (without balconies)	29.8	23.3	6.5 (21.8)
	30	23.5	6.5(21.7)
2 <sup>d</sup> floor, living room, window 18 (without balconies)	21.1	12.9	8.2 (38.9)
	30	20.1	9.9 (33)
2 <sup>d</sup> floor, living room, window 19 (without balconies)	20.8	11.3	9.5 (45.7)
	29.8	18.9	10.9 (36.6)
2 <sup>d</sup> floor, living room, window 20 (without balconies)	10.8	8	2.8 (25.9)
	17.7	14.8	2.9 (16.4)
3 <sup>d</sup> floor, living room, window 17 (without balconies)	23.7	15.6	8.1 (34.2)
	32.8	24.1	8.7 (26.5)
3 <sup>d</sup> floor, living room, window 18 (without balconies)	23.5	14	9.5 (40.4)
	32.6	22.8	9.8 (30.1)
4 <sup>th</sup> floor, living room, window 17 (without balconies)*	26.1	20.1	6.0 (23)
	34.9	28.91	6 (17.2)
4 <sup>th</sup> floor, living room, window 18 (without balconies)	25.9	18.9	7 (27)
	34.7	27.7	7 (20.2)

The results for the sunlight assessment for affected properties in Strutton Ground and Artillery Mansions are set out in the table below.

Room	Existing APSH		Proposed APSH (Loss%)	
	Annual	Winter	Annual	Winter
<b>26 Strutton Ground</b>				
1 <sup>st</sup> floor, habitable room, room 11	15	2	14 (6.67)	1 (50.0)
<b>28 Strutton Ground</b>				
1 <sup>st</sup> floor, unknown, room 10	21	3	1 (66.67)	19 (9.52)
2 <sup>nd</sup> floor, unknown, room 11	21	4	20 (25)	3 (4.76)
<b>30 Strutton Ground</b>				
2 <sup>nd</sup> floor, kitchen, room 9	18	2	15 (16.67)	0 (100)
2 <sup>nd</sup> floor, unknown, room 10	15	2	13 (13.33)	0 (100)
<b>32 Strutton Ground</b>				
1 <sup>st</sup> floor, kitchen, room 6	12	0	1 (91.97)	0 (0)
1 <sup>st</sup> floor, unknown, room 7	1	0	0 (100)	0 (0)
2 <sup>nd</sup> floor, bedroom, room 7	20	1	7 (65.0)	0 (100)

Room	Existing APSH		Proposed APSH (Loss%)	
	Annual	Winter	Annual	Winter
<b>34 Strutton Ground</b>				
1 <sup>st</sup> floor, living room, room 4	17	0	12 (29.41)	0 (0)
1 <sup>st</sup> floor, kitchen, room 5	20	1	7 (65.0)	0 (0)
2 <sup>nd</sup> floor, bedroom, room 6	17	1	4 (76.47)	0 (100)
<b>36 Strutton Ground</b>				
1 <sup>st</sup> floor, bedroom, room 3	6	0	1 (83.33)	0 (0)
<b>Artillery Mansions</b>				
Ground floor, kitchen, room 2	24	0	15 (38.0)	0 (0)
Ground floor, living room, room 3	31	4	30 (3)	3 (25)
1 <sup>st</sup> floor, bedroom, room 3	16	4	9 (44.0)	2 (50.0)
1 <sup>st</sup> floor, bedroom, room 4	18	4	5 (72.0)	2 (50.0)
1 <sup>st</sup> floor, bedroom, room 8	28	4	24 (14.0)	1 (75.0)
1 <sup>st</sup> floor, living room, room 9	40	7	36 (10.0)	3 (57.1)
2 <sup>nd</sup> floor, living room, room 4	36	5	32 (11.0)	1 (80.0)
2 <sup>nd</sup> floor, bedroom, room 5	38	6	28 (26.0)	2 (66.7)
2 <sup>nd</sup> floor, bedroom, room 6	37	5	20 (46.0)	1 (80.0)

### Assessment

#### Artillery Mansions

The original daylight and sunlight assessment shows that of 189 windows tested, 178 would see no reduction of VSC or a loss which complies with the BRE guidelines. The most affected windows for daylight are located at first, second, third, and fourth floors, however, some of those windows are located below projecting balconies. The BRE guidelines states that care must be taken in applying the guidelines, if for example a building has a balcony or overhang above the window, then greater reduction in sunlight or daylight may be unavoidable. In these circumstances even a modest obstruction opposite may result in a large relative impact on daylight and sunlight received. An additional assessment omitting the balconies shows that the impact would be lessened as only 9 windows would not comply with VSC criteria set out in the BRE guidelines. This is shown in the table above and reflected in the narrative below.

At first, second and third floor levels there will be daylight reductions to three flats of up to 45.8%. However these rooms benefit from an additional window in the south elevation of the building which is not materially affected by the scheme. For this reason the impact to these living rooms is considered acceptable. A bedroom window each at first and second floor level will see reductions in VSC of 22.3% and 21.7%. Given that this is marginally above the 20% reduction permitted under the BRE guidelines and the windows serve bedrooms, this is considered acceptable. The NSL results show that only one bedroom room at second floor level fails but all the other rooms are compliant.

In terms of sunlight the ASPH assessment shows that 9 rooms out of 89 would experience reductions to total sunlight beyond the BRE guidelines. Annual sunlight losses would range between 21% and 72% (with 7 windows below 46%). With the exceptions of two windows at first floor level, all windows have retained values between 15% and 40%. Where the losses have the potential to be more noticeable, these windows appear to serve bedrooms which are afforded a lesser protection than principal living areas.

#### Strutton Ground

The submitted report shows that there is a material impact on some windows at Nos. 30, 32, 34 and 36 Strutton Ground.

The internal layout at 32 Strutton Ground is not known, however, based on the Council's records it is understood that the first and second floors of the property form one residential unit. With regards to the VSC, a kitchen window at first floor level will see a reduction in VSC of 40.5% and a bedroom at second floor level will see a reduction of 30.2%. The NSL results show that two rooms fail the BRE criteria and the ASPH results show transgressions for four of the five rooms assessed with losses between 60% and 100%. However the high percentage reductions can be explained by existing low values (i.e from 1% to 0%, from 5% to 2%, and from 9% to 0%).

Nos. 34 and 36 Strutton Ground are located at first and second floors and form one single residential unit with dual facing aspects. The failing windows identified as W7, W8 and W10 at No 34 Strutton Ground serve a living room and at No. 36 Strutton Ground W3, W4 and W6 serve a bedroom. However in both cases the rooms have existing low levels of daylight which explains the high VSC reductions of between 24.1% and 37.2%. The windows W11 and W12 at 34 Strutton Ground serve a kitchen and will see a reduction of 50.6% and 47.3% respectively. However this rooms benefits from side elevation windows which meet the BRE criteria. The NSL result for the room shows a loss of 43.62% but the additional side elevation window has not been included in the assessment. At second floor of No. 34 the window identified as W6 which fails both the VSC and the NSL criteria serves a bedroom. In terms of sunlight most rooms in both properties do not comply with the BRE guidance for total ASPH but in many cases sunlight is already severely and the existing values are therefore low.

Given the size of Nos. 32, 34 and 36 Strutton Ground and the fact they are dual facing units, it is not considered reasonable to refuse permission on loss of daylight and sunlight for these properties.

#### The Fire Station

The VSC assessment shows that one window serving the existing two bedroom leasehold flat within the Westminster Fire Station does not meet the BRE requirements. However given the existing level is 9.7 and the proposed level is 6.7 the reduction is considered marginal. The other windows meet the BRE criteria in terms of VSC and NSL.

#### Conclusion

In summary the impact on neighbouring properties in terms of daylight and sunlight is considered acceptable. There are breaches in the BRE for a number of habitable rooms however given the dense urban environment this is considered acceptable. Artillery

Mansions is a large modern development which given that it extends close to the boundary of its site could in itself be considered unneighbourly. Therefore any form of development on the former Westminster Fire station would impact on windows in this building. The objections from residents in Artillery Mansions and Strutton Ground on daylight and sunlight are noted however the impact is not considered so severe as to justify a refusal.

Objections have also been received to the impact on daylight to roof terraces to the Strutton Ground properties. However these terraces are already affected by neighbouring buildings and it is not considered that the proposed development will have a significant impact.

### **Sense of Enclosure**

There are objections to the scheme from residents that overlook the site on grounds of increased sense of enclosure. The most sensitive side of the site is to the east in its relationship with the flats that face onto Strutton Ground and to the west in its relationship with the first to fourth floor flats on the south-east corner of Artillery Mansions. The new building at the rear will be significantly higher than the existing building and will in certain areas be closer to the boundary with Artillery Mansions.

With regards to Strutton Ground, Nos. 34 and 36 are most affected by the proposed development. The height of the new building is approximately 11m taller than the existing building on the site. Although the proposed building will be set back at second floor level and above the impact on the outlook from rear windows to Strutton Ground will be material. Although the impact to the outlook from these properties will be significant given the dense urban environment in this part of the City the impact is considered minor adverse and therefore it would not be so severe as to justify a refusal.

The flats within the south-east corner of Artillery Mansions will also be affected by the scheme. The distance between this part of Artillery Mansions and the application site is small (approximately 3.2m). The existing low level buildings on the site are set back from the windows in Artillery Mansions by at least 11 meters from the Artillery Mansions windows. This will be reduced to 7.1m at first floor level and will extend to 14.5m at second and third floor levels. The proposal will result in an increased sense of enclosure for the first to fourth floor corner flats at Artillery Mansions, with the most significant impact for the first floor flat. However given the un-neighbourly character of the windows at Artillery Mansions which were designed close to the boundary with neighbouring properties and the dense environment character of the area it is considered unreasonable to refuse permission on sense of enclosure.

Other residential flats on the east elevation of Artillery Mansions raised sense of enclosure concerns however given the distance from the application site and the existing relationship with the rear of 26 Strutton Ground and Victoria Chambers it is not considered a sense of enclosure would result.

### **Privacy**

Objections have been received from residential occupiers in Artillery Mansions and Strutton Ground on the grounds of loss of privacy and overlooking. The existing



buildings did not give much opportunity for overlooking. Whilst the new rear building will be closer to Artillery Mansions, the position of the new windows and balconies in conjunction with the use of obscure glazing to the eastern and western elevations, and the installation of screening and raised planters, will mitigate any potential for overlooking. The existing flat roof to the rear outbuildings was used as a terrace by the fire station, therefore the introduction of external access corridors to the flat on the east elevation is not considered to worsen the existing overlooking situation.

The use of appropriate conditions to ensure the installation of proposed mitigation measures is considered to sufficient to overcome the privacy and overlooking concerns.

### **Noise and smells**

Objections have been received on the grounds of noise and smells from the restaurant use and the proposed mechanical plant.

UDP Policies ENV6 and ENV7 deal with the subject of noise pollution and vibration both from new uses, internal activity and the operation of plant. The policies require the potential for any disturbance to be mitigated through operational controls and/or attenuation measures.

The application is supported by an acoustic report. Environmental Health has reviewed the report and raise no objection subject to standard conditions including the requirement for a supplementary acoustic report to demonstrate that the selected equipment will comply with our standard noise conditions. On this basis it is considered unreasonable to refuse permission for the proposed mechanical plant on noise and vibration grounds.

The kitchen extract duct will be sited within the stair tower and will terminate at high level. The indicative odour risk assessment recommends abatement measures such as electrostatic precipitators, ozone and carbon filters to provide a high level of odour control. As the end tenant and so the type of cooking is not known, a condition is recommended to ensure the correct odour abatement measures are installed prior to the installation of the unit.

The proposed balconies are for the enjoyment of individual flats and, given their small size, their use for large gatherings is limited. Any noise disturbance generated by people sitting out on the terrace is not considered to be significant enough to warrant a reason for refusal.

## **8.4 Transportation/Parking**

Letters have been received from neighbours objecting to the proposed scheme on the grounds of lack of off-street parking provision and off-street servicing arrangements.

### **Car Parking**

The scheme does not provide any off street car parking for the residential units. This has raised concerns from local residents and from the Highways Planning Manager.

Policy TRANS23 details an 80% on-street car park occupancy threshold above which the provision of additional vehicles to the on-street parking environment will result in an unacceptable level of deficiency. The addition of even one additional residential unit is likely to have a significantly adverse impact on parking levels in the area and this may lead to a reduction in road safety and operation.

The evidence of the Council's most recent parking survey in 2015 indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 78% day time and 73% night time. TRANS23 includes all legal parking spaces (e.g. single yellow line, metered bays, pay & display, shared use). With the addition of single yellow line availability, the night time stress level reduces to 37%. However, while currently below the day time stress threshold, the Highways Planning Manager advises that 7 additional vehicles would increase the stress level over the 80% stress threshold during the daytime period and 17 extra residential units on this site would be expected to generate a minimum of 6 vehicles.

Given the existing layout of the site, the level of demolition of existing buildings and the creation of a basement the Highways Planning Manager considers that off street parking could be provided on site. For example the use of the central courtyard as a parking area could provide at least 10 off-street car parking spaces. The access for this parking area would be from the existing cross over and entrance doors.

In response the applicant suggests the creation of additional on-street car parking on Greycoat Place, between the two existing roundabouts. The two sections of kerb are currently marked with 'keep clear' markings (similar in effect to a double yellow line with a loading ban). Although the 'keep clear' markings outside the fire station are no longer required, given existing traffic flows and the general road layout and kerbside activity, it is likely a combination of double and single yellow line with loading restrictions would be progressed rather than resident parking bays. On the south side of Greycoat Place it is likely that the 'keep clear' markings will be replaced by 'school keep clear' markings, given the school entrance, pedestrian crossing and general road layout. Furthermore the Highways Planning Manager advises that where additional on-street residential bays can be created on-street they assist in alleviating existing on-street parking pressures and should not be used to off-set increased on-street parking stress created by new residential developments. In conclusion the creation of additional on-street parking in the locations selected by the applicant is not considered acceptable as a parking mitigation measure.

Whilst the development is not consistent with TRANS23 and will add to existing on-street parking stress overall, given the overall benefits of the scheme which include bringing a listed building back into beneficial use and the proximity to good transport links, the lack of off-street parking provision is considered acceptable. The Highways Planning Managers comments about the courtyard are noted but from a townscape and heritage perspective it would be preferable for the courtyard not to be used for car parking. It is recommended that lifetime car club membership (25 years) is secured through a S106 legal agreement.

### **Servicing**

S42 of the City Plan and TRANS20 of the UDP require off-street servicing. However the proposed scheme does not provide an off-street servicing area. Instead it is proposed

that deliveries would occur on-street, directly outside the application site. The Highways Planning Manager has objected to this part of the scheme and considers that as the site can currently accommodate off-street servicing the proposed development should also provide this. The Highways Planning Manager is of the view that servicing activity from the highway will have a detrimental impact on the safety and operation of the highway and will also degrade the pedestrian environment, contrary to S41 and TRANS3.

The applicant indicates that there would be up to four deliveries for the A3 restaurant and one refuse and recycling collection per week. The applicant indicates that dwell times will be up to 10 minutes on average for each delivery.

The concerns of the Highways planning Manager are noted. However the provision of off-street servicing within the development may compromise the ability of the scheme to provide an active frontage on Greycoat Place which is considered a benefit in townscape terms. It is considered that the concerns of the Highways Planning Manager could be partly addressed through a Servicing Management Plan (SMP). The SMP will need to be robust as it will need to demonstrate how the proposed development would minimise its impact on the highway network, so as not to have a significantly detrimental impact on other highway users. Subject to this requirement it is not considered that objections on servicing grounds could be supported.

### **Cycle Parking**

The London Plan Policy 6.9 requires 1 space per 1 bedroom unit and 2 spaces for all other dwellings space per 175m<sup>2</sup> of A3 restaurant floor space. For the residential units, the proposal would therefore require 32 cycle parking spaces. The submitted drawings indicate 18 cycle parking spaces for the residential leaving a shortfall of 14 spaces. The 477m<sup>2</sup> of A3 would require a minimum of 3 cycle parking spaces. The submitted drawings show two secure and weather proof cycle parking. A condition is recommended to ensure that cycle parking provision meets London Plan standards.

## **8.5 Economic Considerations**

The economic benefits generated by the proposed residential units and restaurant use is welcomed.

At this stage it is estimated that the Community Infrastructure Levy generated by the scheme is £621,015.47 (Mayoral CIL is £81,895.47 and the Westminster CIL is £539,120).

## **8.6 Access**

A lift serves all residential units offering step-free access which is welcomed.

## **8.7 Other UDP/Westminster Policy Considerations**

The Basement Revision and Mixed Use Revision to the City Plan were submitted to the Secretary of State in December 2015. The independent examination was held in March 2016. Following the examination, a further consultation was held between 20 April and 5 June 2016, inviting responses to the proposed main modifications. Having considered

the responses, none of the matters raised bring forward new issues which were not considered by the Inspector at the examination hearings in March.

Therefore, in accordance with Paragraph 216 of the National Planning Policy Framework, the Council will take the Basement Revision and Mixed Use Revision into account as a material consideration with significant weight in determining planning applications, effective from Tuesday 7 June 2016. This includes the application of the Code of Construction Practice [Policy CM28.1 Section A2b], which is to be applied from September 2016.

The implications of the revisions to the City Plan for the development subject of this report are outlined elsewhere in the report

### **Refuse /Recycling**

Revised plans have been received during the course of consideration of the application and the provision of a waste store at lower ground floor for the restaurant use is now considered acceptable. The servicing strategy for the residential and commercial waste stores will need to form part of the SMP.

### **Biodiversity**

A bat and ecology survey report has been submitted in support of the application. The report concludes that no evidence of mammal activity, and the site was completely unsuitable for reptiles or amphibians, this unsurprising given the site's isolation within an extensive urban area with no connectivity to any semi-natural habitats. Therefore the introduction of a landscaped courtyard would improve the site's contribution to the biodiversity of the area, which is welcomed as Policy S38 of the City Plan requires new development to maximise opportunities to create new wildlife habitats.

### **Sustainability**

Policy 5.2 of the London Plan refers to minimising Carbon Dioxide Emissions and states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be lean: use less energy
2. Be clean: supply energy efficiently
3. Be green: use renewable energy

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable and inclusive urban design and architecture.

Policy S40 considers renewable energy and states that all major development throughout Westminster should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints.

The Energy Strategy provided with the application has been revised during the course of the application and now complies with London Plan Policy 5.2 whereby the scheme will result in a carbon dioxide improvement beyond Part L 2013 of 35%. This is welcomed.

An air quality assessment has assessed the projected number of vehicles associated with the new development and assessed the consequent impact on air quality. As a result of this they conclude the development will not cause a resultant worsening of air quality in the locality. However the report notes that the proposed residents will be exposed to concentrations of NO<sub>2</sub> above objective limits on all floors and recommends that mechanical ventilation is installed in order to improve internal air quality. It recommends the inlets are situated at the rear of the building, at roof level, furthest from Greycoat Place. It is recommended that this mitigation should be required by way of condition.

The air quality neutral assessment concludes the development will be air quality neutral for both building emissions and transport emissions assuming that low NO<sub>x</sub> gas boilers are installed.

## **8.8 London Plan**

This application raises no strategic issues.

## **8.9 National Policy/Guidance Considerations**

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

## **8.10 Planning Obligations**

On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, whether there is a local CIL in operation or not, if the obligation does not meet all of the following three tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of development; ensure the development complies with policy requirements within the development plan; and, if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures the overall delivery of appropriate development is not compromised.

From 6 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been

entered into since 6 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under Section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

The Council's own Community Infrastructure Levy was introduced on 1 May 2016.

For reasons outlined elsewhere in this report, a S106 legal agreement will be required to secure the mechanism for securing the replacement social and community facility together with:

- i. the applicant to comply with the Council's Code of Construction Practice, provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of £52,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;
- ii. all necessary highway works;
- iii. car club membership for residents of the development – the developer to undertake to pay annual access charge for 25 years from first occupation;
- iv. S106 monitoring payment.

Officers consider that these 'Heads' satisfactorily address City Council policies and the CIL Regulations.

### **8.11 Environmental Impact Assessment**

The development is not of sufficient scale to require an Environmental Statement under the 2011 Regulations (as amended). Other environmental impact issues have been covered elsewhere in this report.

### **8.12 Other Issues**

#### **Basement**

The scheme includes excavation works under the entire footprint of the site to create one storey basement. The proposed basement therefore extends beneath more than 50% of the garden land and no margin of undeveloped land proportionate to the scale of the development around the site boundary is proposed. The proposed basement to provide additional residential floorspace is contained within the footprint of the proposed rear building, beneath the courtyard the basement will provide floorspace for the restaurant, waste and cycle storage and a plant room. The existing courtyard was used as parking space so it was entirely paved, and it adjoins a paved courtyard to Artillery Mansions which provide car access to the underground parking. Therefore in this instance the layout of the basement is considered acceptable.

The applicant has provided a structural engineer's report explaining the likely methodology of excavation works. The report has been considered by our Building Control officers who advised that the structural approach appears satisfactory.



**Construction impact**

Objections on the grounds of noise and disruption during construction works do not in themselves form a sustainable reason to refuse permission.

The City Council's Code of Construction Practice and associated Environmental Inspectorate have been developed to mitigate against construction and development impacts on large and complex development sites. It is recommended that the necessary contributions to ensure compliance with the Council's Code of Construction Practice, and to secure the monitoring expertise of the Council's Environmental Sciences Team, the latter of which controls noise, dust and vibration emanating from the site through a site specific SEMP, should be secured through a S106 legal agreement. It is recommended that a construction logistics plan is secured by condition.

The Council's standard hours of building works condition is recommended as is the requirement for the applicant to submit a more detailed construction management plan to help mitigate noise and disruption during demolition and construction.

A highway licence would be required before any construction equipment such as scaffolding or skips can be placed on the road or pavement.

An informative is recommended to encourage the applicant to join the nationally recognized Considerate Constructor Scheme as well as keeping residents informed concerning the works.

**Flood risk**

The application is accompanied by a Flood Risk Assessment report. In the event of flood the applicant has suggested that those residing on the lower floors seek safe refuge within the higher floors of the development.

The Environment Agency has confirmed that they have no objection to the application but they have recommended that the application raises finished floor level to 4.906m AOD for this site. This will be dealt with by way of an informative.

**Crime and security**

The scheme does not raise significant issues with regard to crime and security but the Metropolitan Police raises concerns about climbing potential on boundary walls, access control, lack of reference of a standard of compliance for vulnerable doors, windows, and rooflights, cycle storage and fire safety. CCTV, mail delivery point, and management plan of communal courtyard.

The communal courtyard is for the enjoyment of the residents only, the restaurant customers will not have access. The building is listed Grade II therefore alterations to the walls and installation of CCTV would need to be assessed separately, in addition the existing store roofs will be removed as part of the scheme so they will not act as a climbing aid.

## **Contaminated Land**

The historic maps show the site was previously adjacent to a brewery and a warehouse and therefore could be subject to on site contamination. The submitted draft SEMP notes geotechnical investigations have been completed although these documents have not been submitted. A condition requiring the submission of the appropriate reports is therefore recommended.

## **Consultation**

One objector stated that the comments provided during the consultation process carried out by the applicant have not been taken into consideration. Whilst dialogue with the existing local community is strongly encouraged prior to the submission of an application, there is not obligation for the applicant to revise the scheme following consultation exercise. This is not considered a sustainable reason to refuse permission.

## **9. BACKGROUND PAPERS**

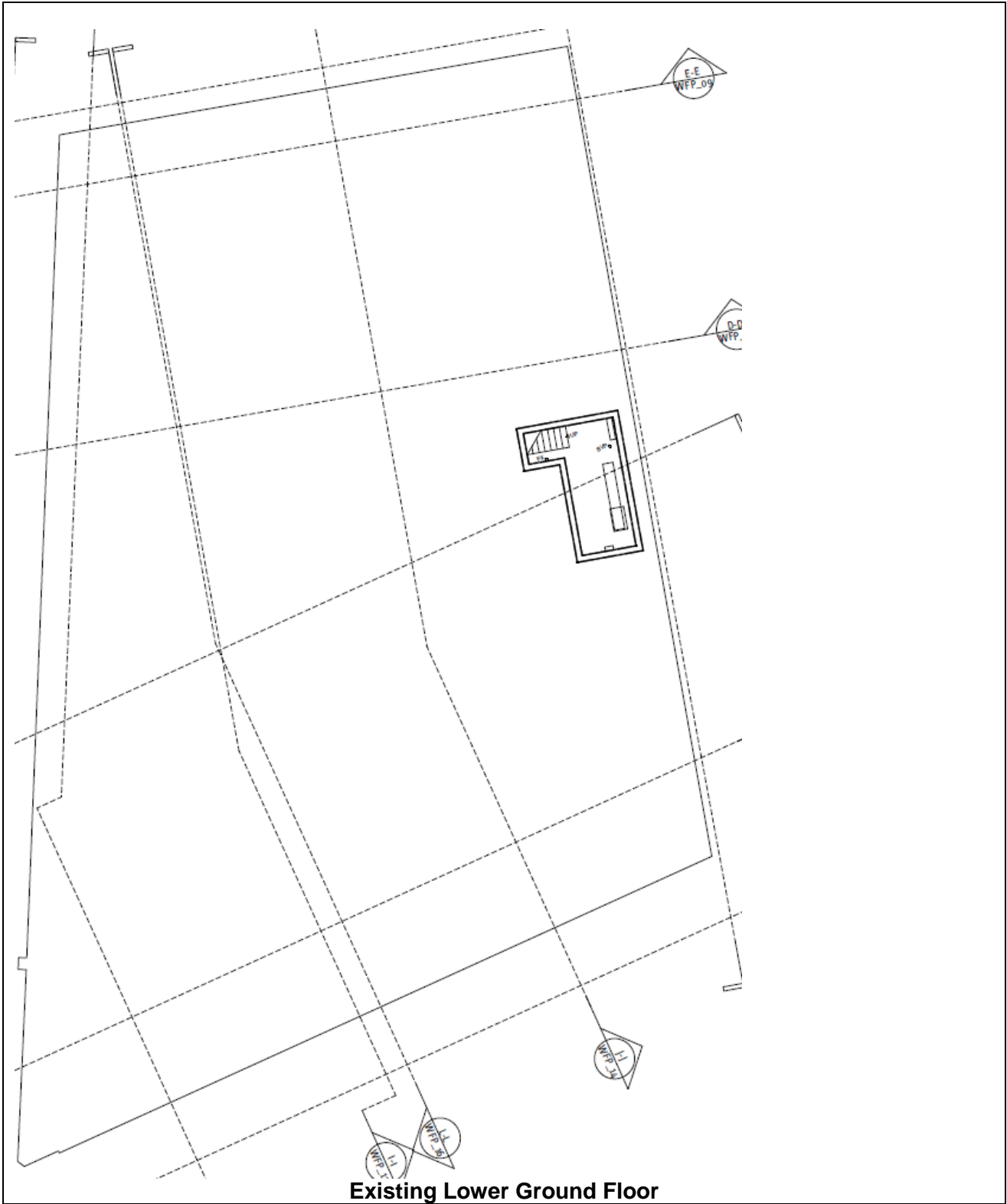
1. Application form
2. Response from Historic England, dated 21 June 2016
3. Response from Historic England Archaeology, dated 29 July 2016
4. Response from Thorney Island Society, dated 22 June 2016
5. Response from Westminster Society, dated 27 September 2016
6. Response from Environment Agency, dated 12 July 2016
7. Response from Council for British Archaeology, dated 08 July 2016
8. Response from Designing Out Crime, dated 6 July 2016
9. Response from Building Control, dated 23 June 2016
10. Responses from Environmental Health, dated 4 November and 23 June 2016.
11. Response from Go Green Programme, dated 27 June 2016
12. Response from Cleansing, dated 28 June 2016
13. Response from Environmental Sciences, dated 14 July 2016
14. Response from Highways Planning, dated 20 July 2016
15. Letter from occupier of 28 Strutton Ground, London, dated 14 June 2016
16. Letter from occupier of Flat 75 Artillery Mansions, Victoria Street, dated 4 July 2016
17. Letter from occupier of 14 Walpole Street, dated 07 July 2016
18. Letter from occupier of Flat 122, Artillery Mansions, dated 08 July 2016
19. Letter from occupier of 75 Victoria Street, 86 Artillery Mansions, dated 10 July 2016
20. Letter from occupier of 45 Dene Road, Northwood, dated 10 July 2016
21. Letter from occupier of 116 Artillery Mansions, 75 Victoria Street, dated 11 July 2016
22. Letter from occupier of 13 Madeley Road, London, dated 12 July 2016
23. Letter from occupier of 3 Elizabeth Gardens , Ascot , dated 14 July 2016
24. Letter from occupier of 102 Artillery Mansions, Victoria Street, dated 15 July 2016
25. Letter from occupier of Flat A, 30 Strutton Ground, London, dated 18 July 2016
26. Letter from occupier of 36 Strutton Ground, London, dated 20 September 2016
27. Letter from Turley dated 24 October 2016.

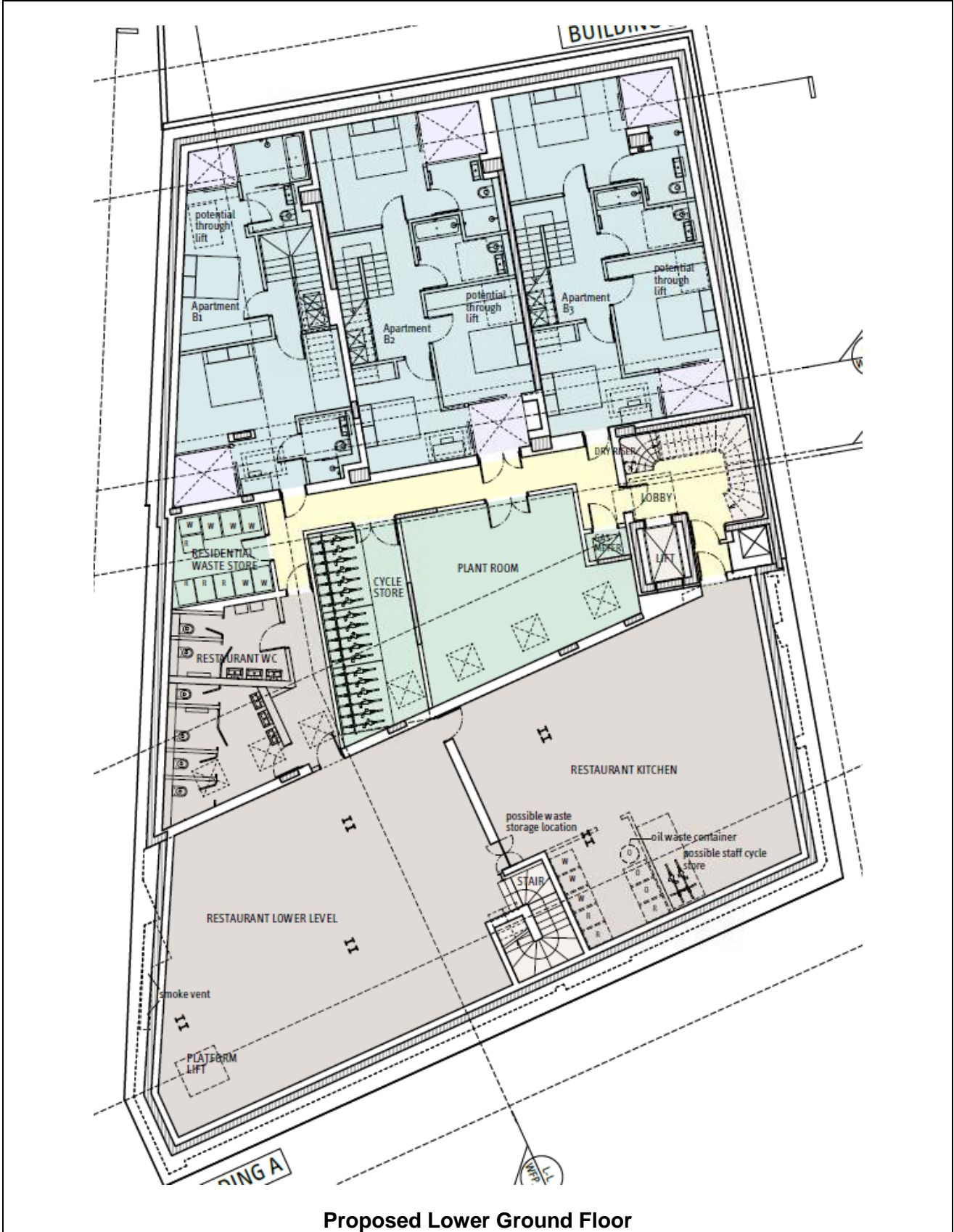
**Selected relevant drawings**

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT [mmason@westminster.gov.uk](mailto:mmason@westminster.gov.uk).

**10. KEY DRAWINGS**





Proposed Lower Ground Floor

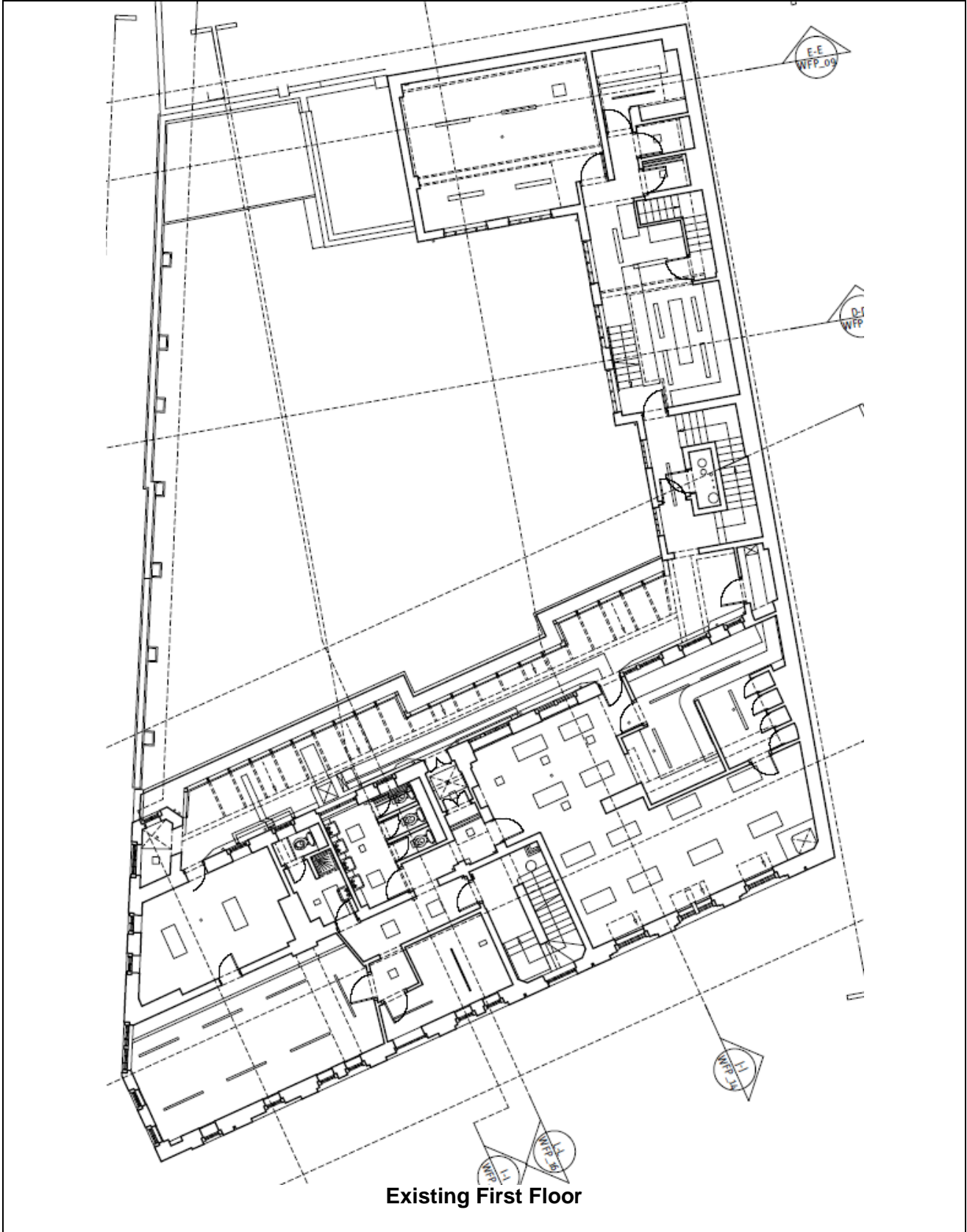


Existing Ground Floor





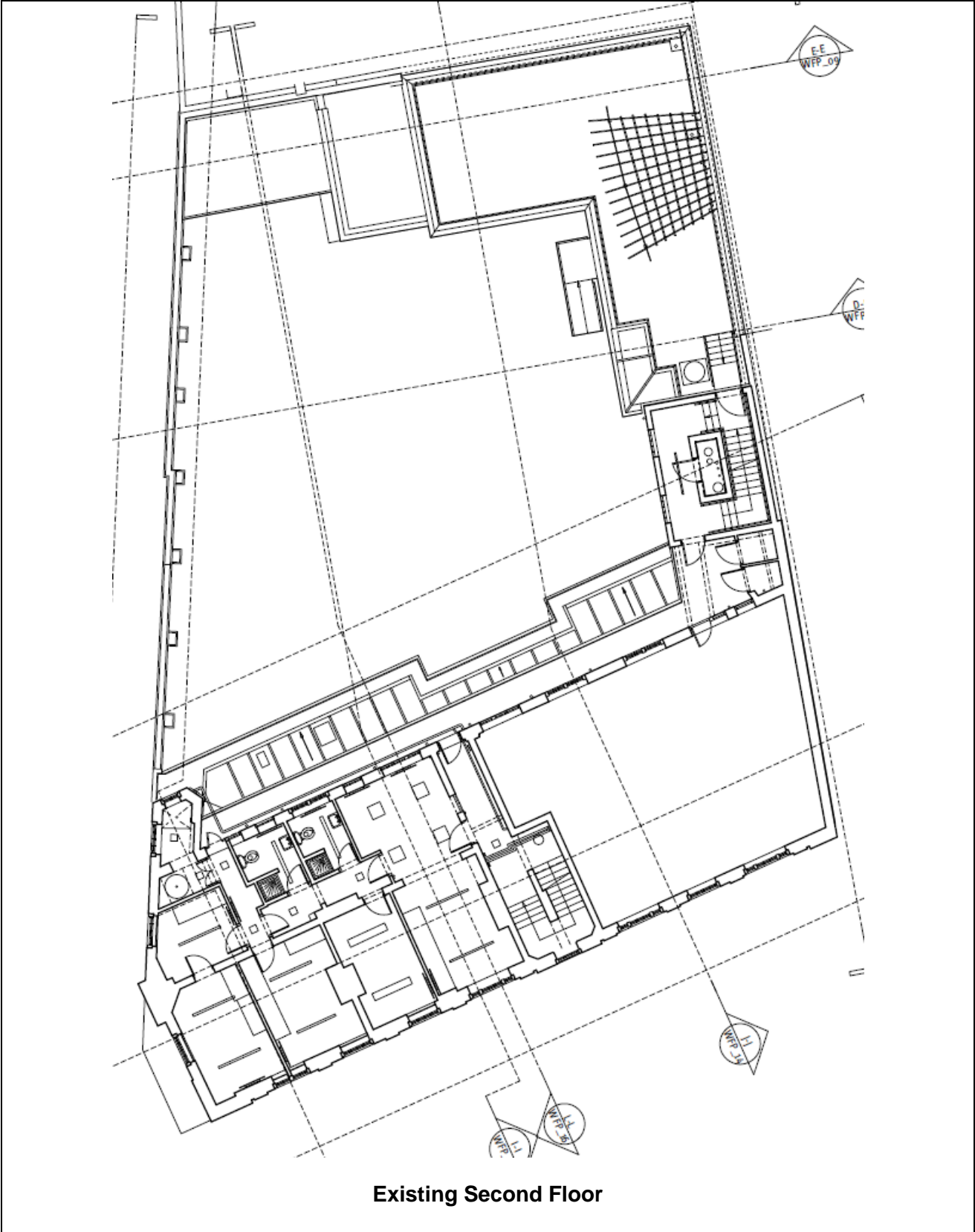
Proposed Ground Floor







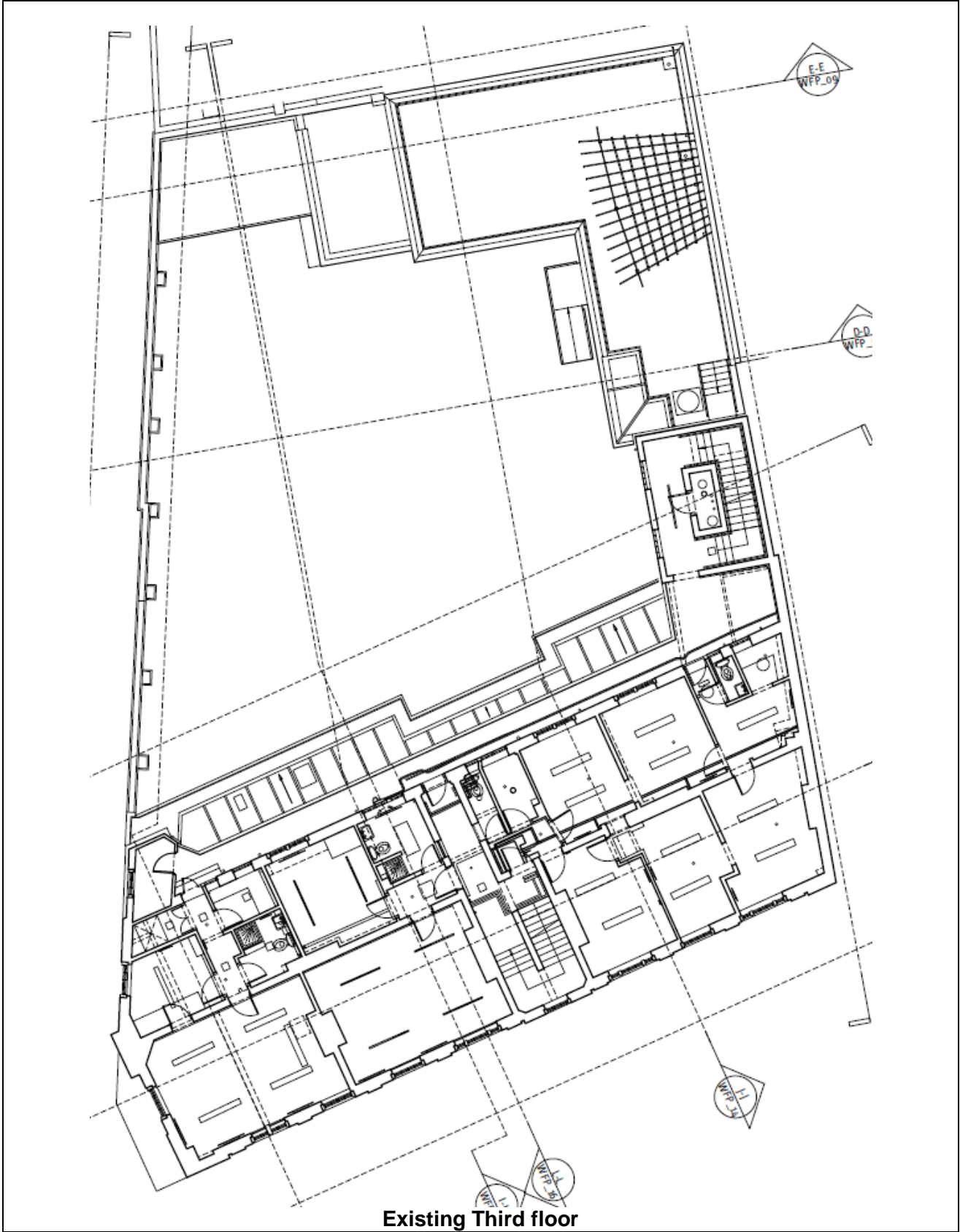
Proposed First Floor





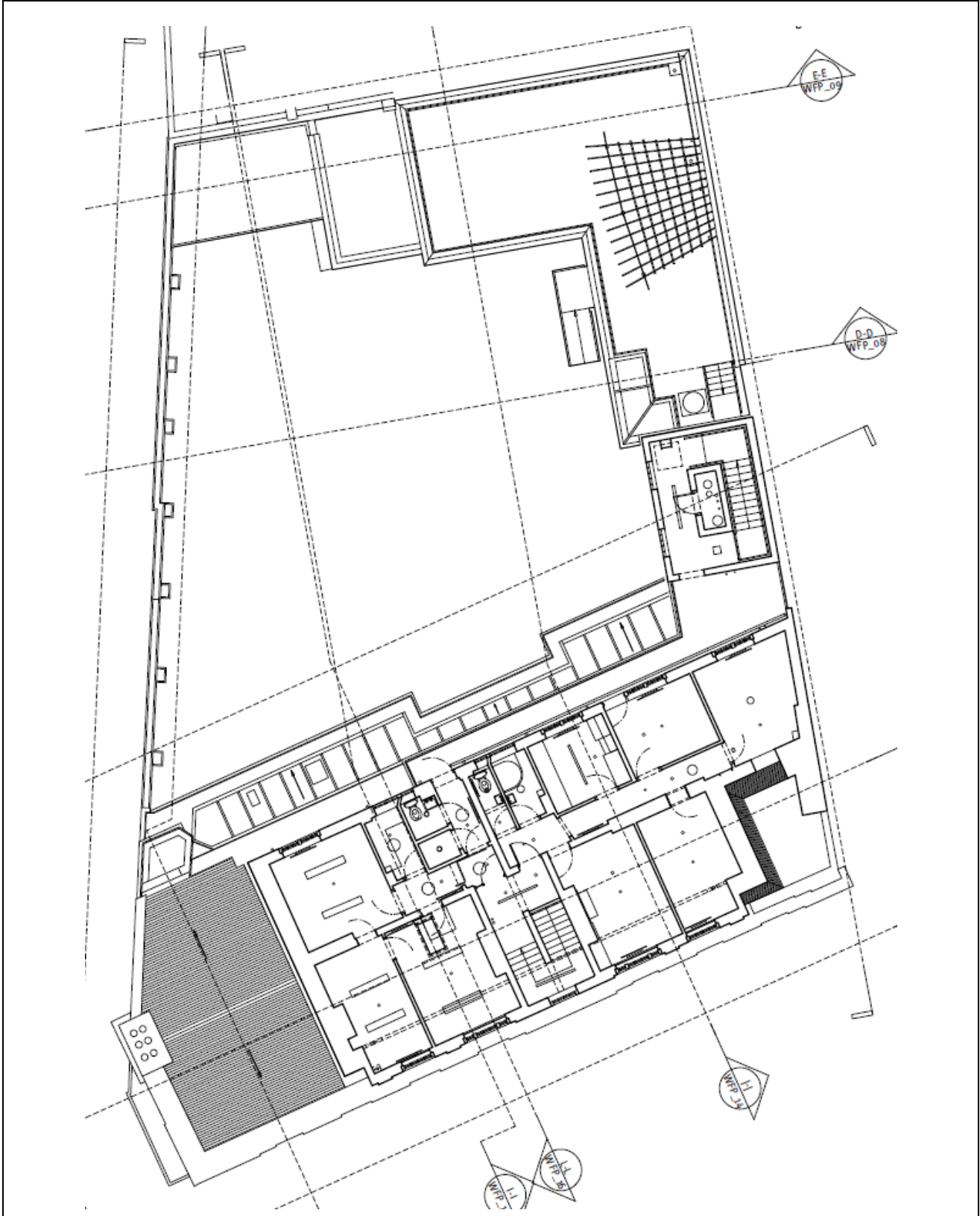
Proposed Second Floor







Proposed Third floor

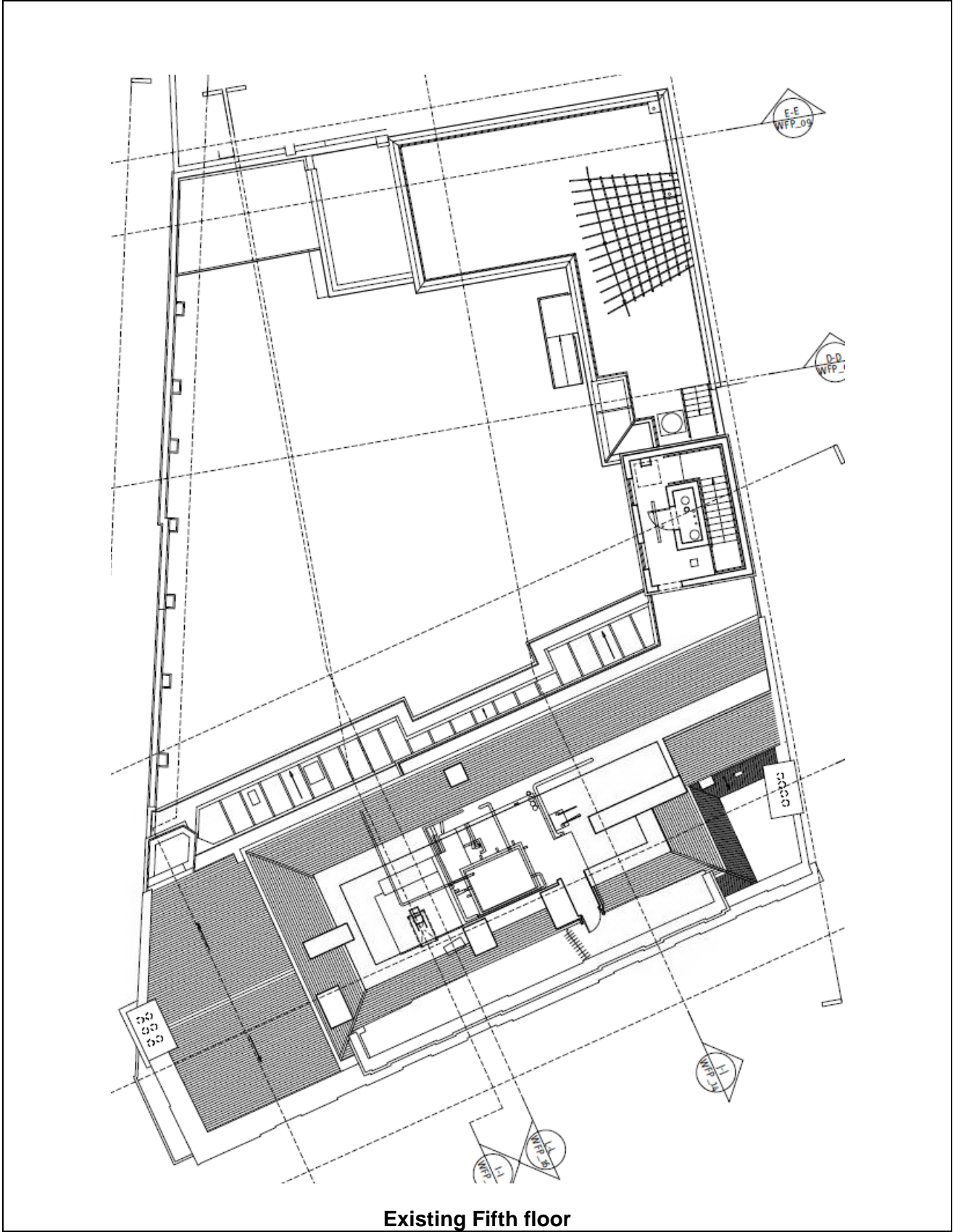


Existing Fourth floor



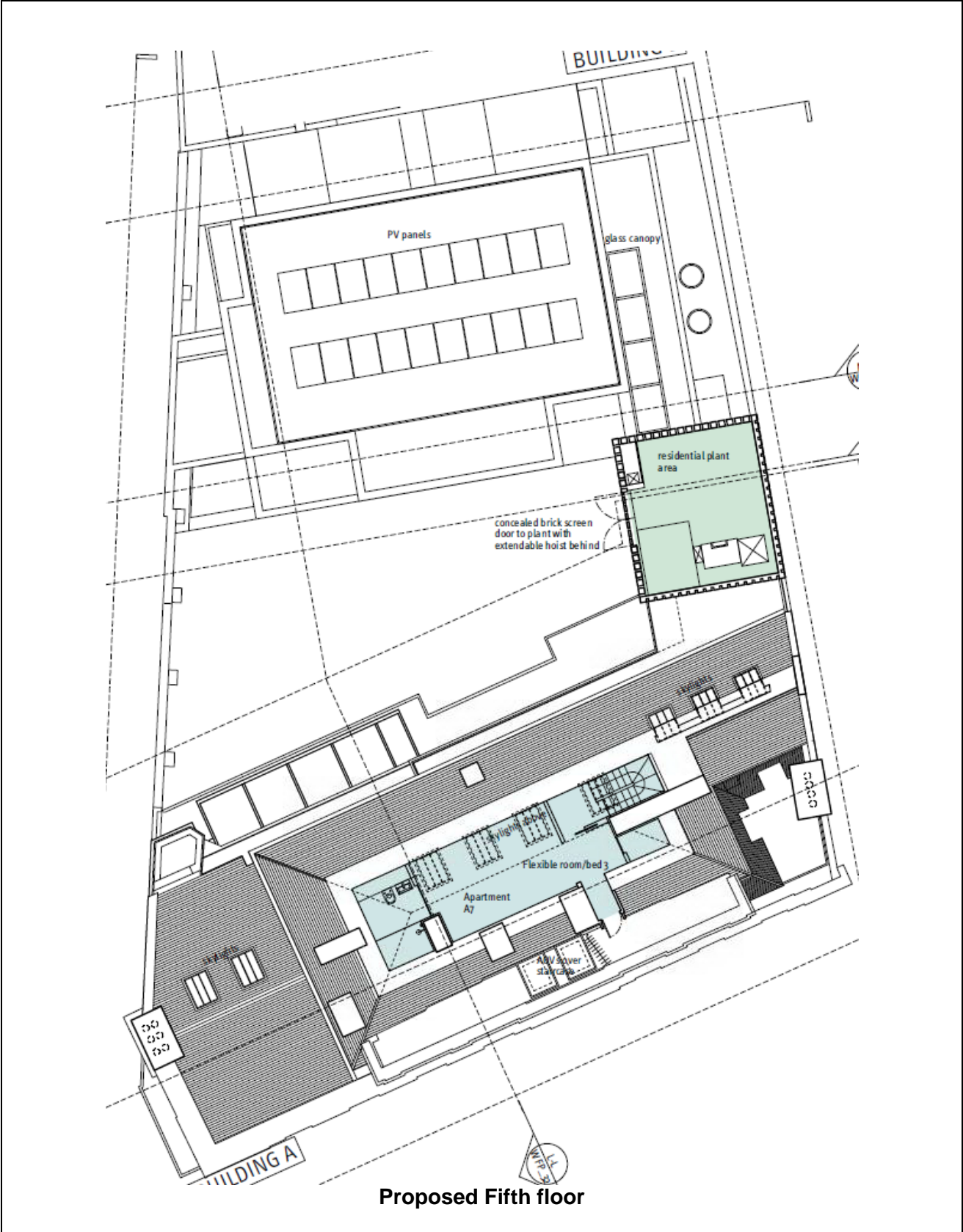


Proposed Fourth floor

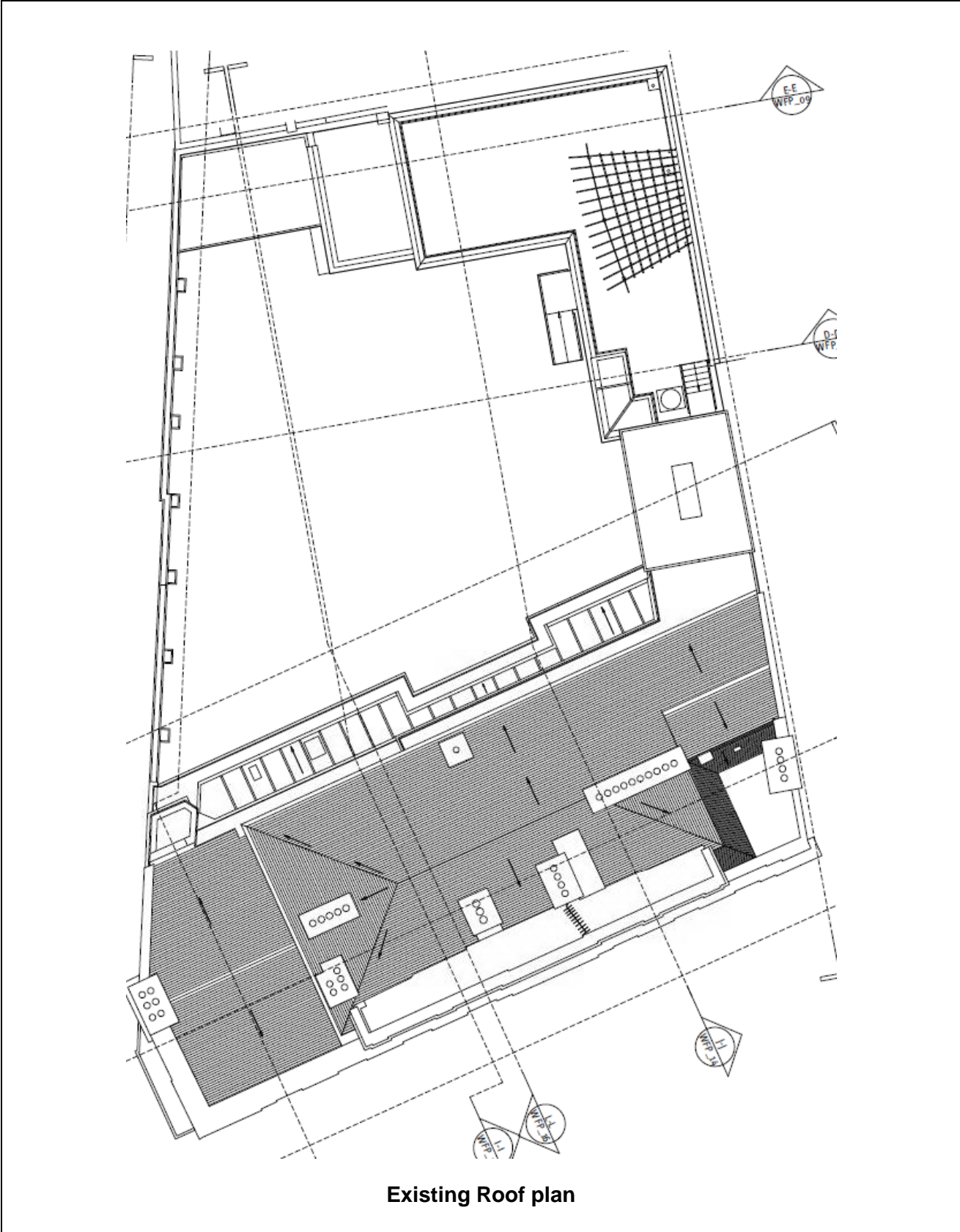


Existing Fifth floor

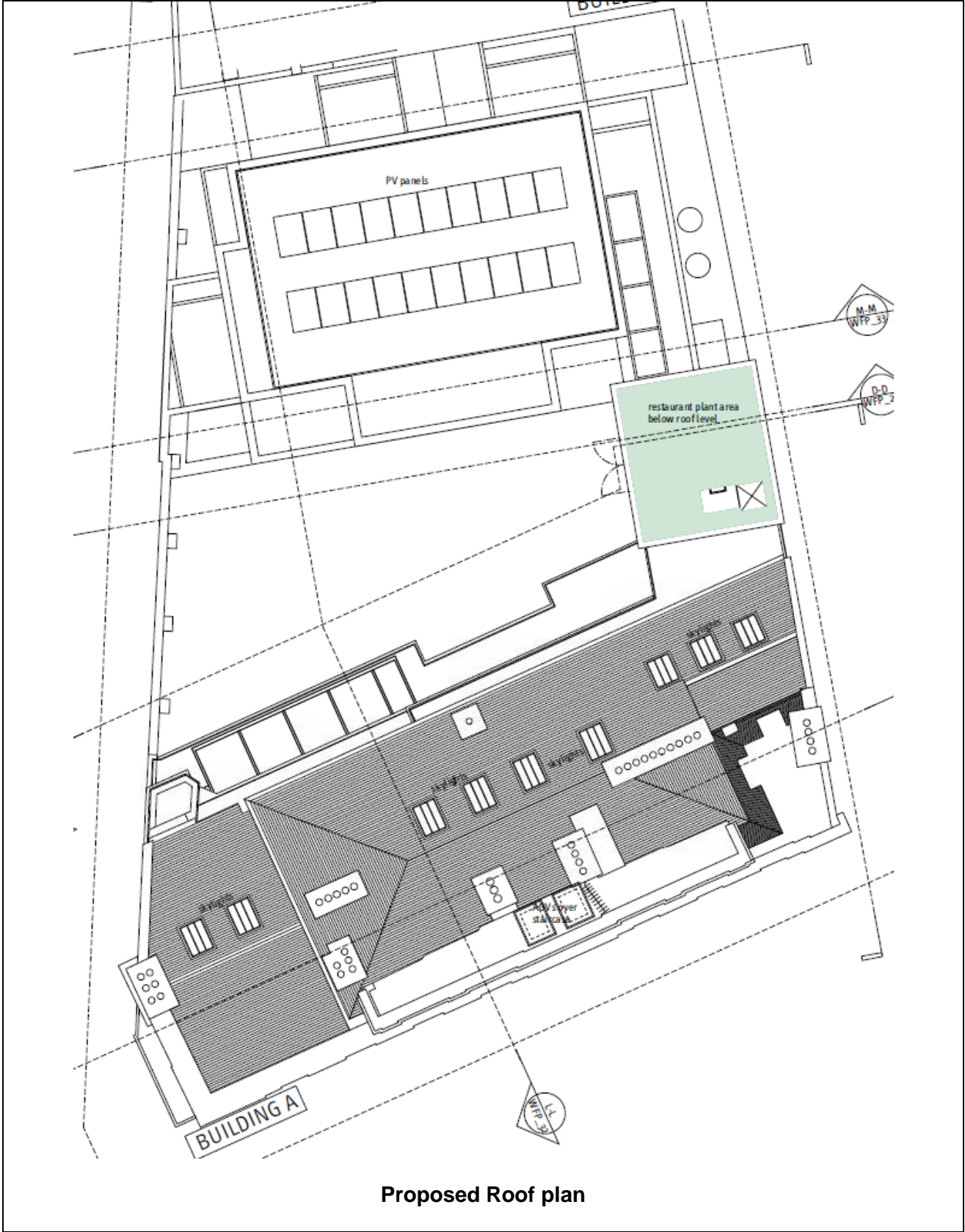




Proposed Fifth floor



Existing Roof plan





Existing Front elevation

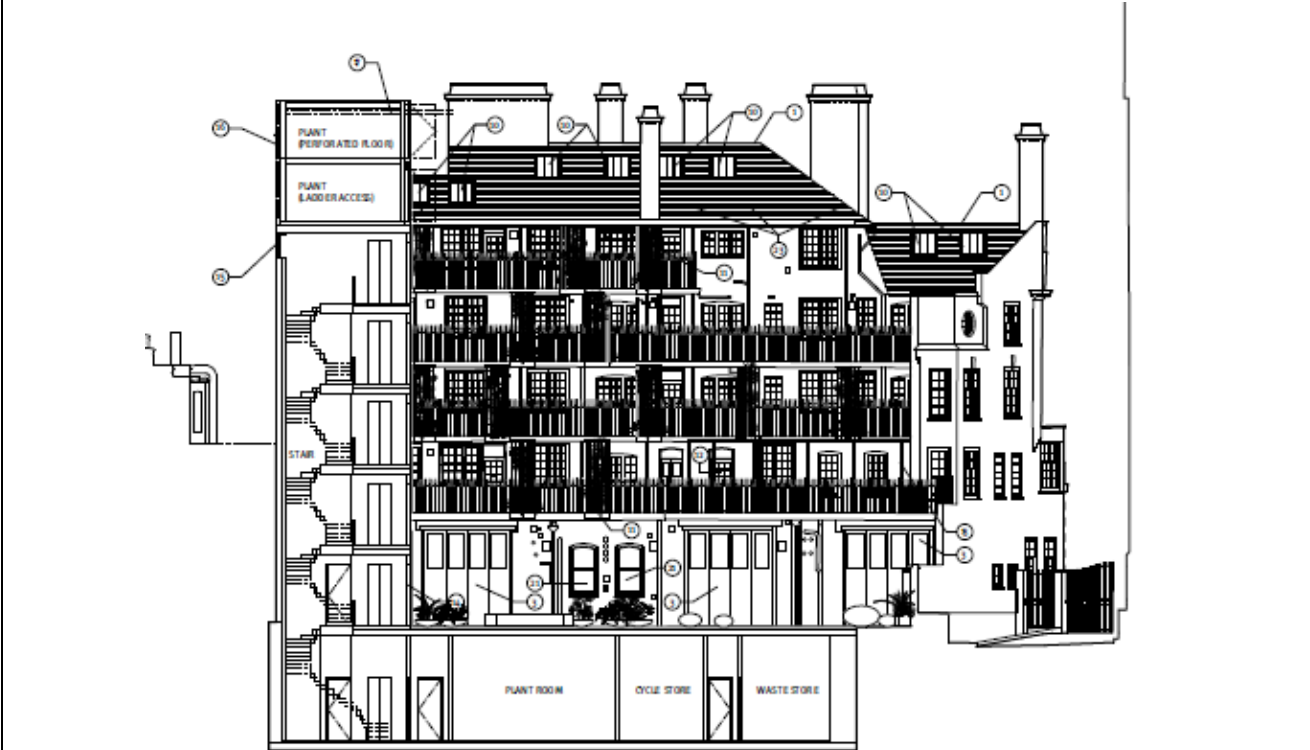


Proposed Front elevation





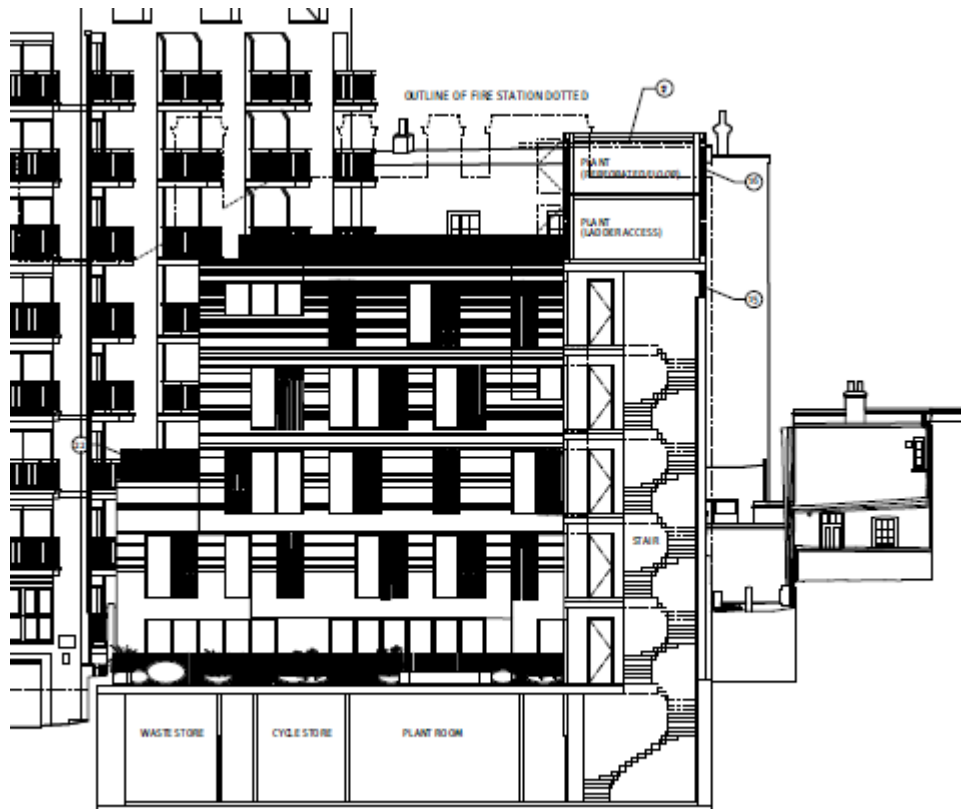
Existing rear sectional elevation of Fire station



Proposed rear sectional elevation of Fire station



Existing South elevation of outbuilding (DD)



Proposed South sectional elevation of rear building (DD)



**Existing East elevation**



**Proposed East elevation**

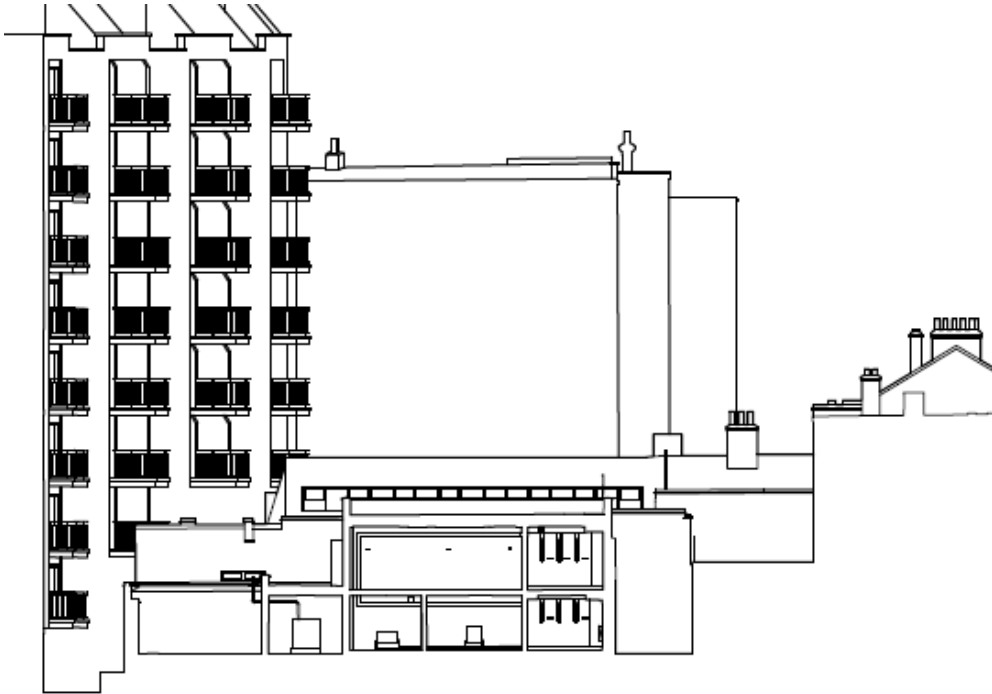


Existing West elevation



Proposed West elevation





Existing section EE



Proposed section EE

**DRAFT DECISION LETTER**

**Address:** Westminster Fire Station, 4 Greycoat Place, London, SW1P 1SB,

**Proposal:** Use of the Fire Station (ground floor) as Class A3 and (four upper floors) as Class C3 use (6 flats) with associated internal and external alterations. Demolition of the existing rear buildings and replacement with a five storey residential building to provide 11 flats with balconies, excavation of one storey basement under the entire footprint of the site to accommodate A3 use and residential use. Installation of photovoltaic panels to roof level of rear building. Rebuilding of the existing rear tower with installation of plant on top.

**Reference:** 16/05216/FULL

**Plan Nos:** WF-P\_00L; WF-P\_00S; WF-P\_01; WF-P\_02; WF-P\_03; WF-P\_04; WF-P\_05; WFP\_06; WF-P\_07; WF-P\_08; WF-P\_09; WF-P\_10; WF-P\_11; WF-P\_12; WF-P\_13; WF-P\_14; WF-P\_15; WF-P\_16; WF-P\_17 A; WF-P\_18 A; WF-P\_19; WF-P\_20; WFP\_21; WF-P\_22; WF-P\_23; WF-P\_24; WF\_25 A; WF\_26 A; WF-P\_27; WF-P\_31; WF-P\_32; WF-P\_20; WF-P\_33; WF\_34 A; WF-P\_40; WF-P\_41; WF-P\_42; WF-P\_43; WF-P\_44; WF-P\_45; WF-P\_46; WF-P\_47; WF-P\_51; WF-P\_52; WF-P\_53; Air quality assessment dated January 2016; Heritage statement dated June 2016; Archaeological desk-based assessment dated May 2016; Acoustic assessment dated 31.05.16; Ventilation/extraction statement C6114; Energy and sustainability statement dated July 2016.

For information only: Bat and ecological survey report dated 09.12.15; Design and access statement dated June 2016; Statement of community involvement; Planning statement dated June 2016; Daylight and sunlight assessment; Flood risk assessment dated May 2016; Site environmental management plan and construction management plan dated June 2016; Transport statement dated May 2015.

**Case Officer:** Aurore Manceau

**Direct Tel. No.** 020 7641 7013

**Recommended Condition(s) and Reason(s):**

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
  - o between 08.00 and 18.00 Monday to Friday;

o between 08.00 and 13.00 on Saturday; and  
o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

o between 08.00 and 18.00 Monday to Friday; and  
o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Broadway and Christchurch Gardens Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Broadway and Christchurch Gardens Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 5 You must apply to us for approval of detailed drawings of the following parts of the development:

- i) new windows at a scale of 1:10 with x-sections at 1:5
- ii) new external doors at a scale of 1:10 with x sections at 1:5

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the works according to these details.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Broadway and Christchurch Gardens Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 6 You must put up a copy of this planning permission and all its conditions in the shared part of the building on the ground floor for as long as the work continues on site.

You must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21JA)

Reason:

To make sure other people in the building are fully aware of the conditions and to protect their rights and safety. (R21FA)

- 7 You must not carry out demolition work unless it is part of the complete development of the site.

You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the Broadway And Christchurch Gardens Conservation Area as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 8 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 9 **Pre Commencement Condition.**

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved

scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.

(c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme.  
(C32BC)

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan (July 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

- 10 The three bedroom residential units shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms.

Reason:

To protect family accommodation as set out in S15 of Westminster's City Plan (July 2016) and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

- 11 Notwithstanding what is shown on the approved drawings prior to the commencement of the development details of a minimum of 3 cycle parking spaces for the class A unit and 32 cycle parking spaces for the residential units shall be submitted and approved by the local planning authority. You must provide each cycle parking spaces as approved prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 12 You must hang all doors or gates so that they do not open over or across the road or pavement.  
(C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (July 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 13 Prior to any occupation of the units hereby approved, you shall submit and have approved in writing a detailed servicing management strategy identifying process, internal storage locations, scheduling of deliveries and staffing. All servicing shall be undertaken in accordance with the approved strategy and maintained for the life of development unless otherwise agreed in writing by the local planning authority.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 14 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number WF-P\_17 A. You must clearly mark them and make them available at all times to everyone using the restaurant and residential flats. (C14FB)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (July 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 15 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of

the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;

(g) The lowest existing L A90, 15 mins measurement recorded under (f) above;

(h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;

(i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (July 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 16 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 17 Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.

(2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the restaurant (class A3) use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

(3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
- (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
- (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
- (f) The proposed maximum noise level to be emitted by the activity.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (July 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 18 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and inside bedrooms 45dB L Amax is not to be exceeded no more than 15 times per night-time from sources other than emergency sirens.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 19 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or



adjoining buildings from noise and vibration from elsewhere in the development.

- 20 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Conditions 15 and 16 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (July 2016), by contributing to reducing excessive ambient noise levels.

- 21 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 17 and 18 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

To protect the environment of the people in the residential part of the development. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R21CC)

- 22 You must apply to us for approval of an operational management plan to include details of restaurant capacity and measures to prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the A3 use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the restaurant is in use. (C05JB)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and TACE 9 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 23 Customers shall not be permitted within the restaurant premises before 10.00 or after midnight Monday to Saturday and before 10.00 and 23.30 on Sundays, Bank Holidays and Public Holidays. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 24 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.

Photovoltaic panels

You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (July 2016). (R44AC)

- 25 You must apply to us for approval of details of the ventilation system to get rid of cooking smells, including details of how it will be built and how it will look. You must not begin the use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 26 You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated land, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our approval for phase 4 when the development has been completed.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate. (C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18AA)

- 27 A scheme of mechanical ventilation to provide adequate cooling and incorporating appropriate air quality filtration should be provided to the residential properties. Details of the scheme must be submitted to and approved by the Local Planning Authority prior to the occupation of the residential units. The approved scheme should be installed and maintained. The mechanical ventilation system installed shall ensure the internal noise levels of the residential units do not exceed the noise levels outlined in condition 17.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 28 You must provide the following features prior to occupation of the residential units to ensure the development can achieve air quality neutral as set out in your report:

-Low NO x gas boilers

You must not remove any of these features.

Reason:

To protect the living conditions of people who may use the property in future as set out in S31 of Westminster's City Plan: Strategic Policies adopted November 2013.

- 29 You must submit for approval detailed drawings showing all privacy mitigation measures for the windows and terraces to new rear building. You must then carry out the work according to these details prior to the occupation of the residential units. You must then retain and maintain these mitigation measures.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 30 You must submit a sample of the obscure glazing to be installed to the ground floor rear windows of the front building. You must then fit the type of glass we have approved prior to the use of the restaurant and must not change it without our permission.

Reason:

To protect the environment of the people in the residential part of the development. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R21CC)

- 31 The plant/machinery hereby permitted for the restaurant use shall not be operated except between 10.00 and 00.30 Monday to Saturday and 10.00 to 24.00 on Sundays and Bank Holidays.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

**Informative(s):**

1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

2 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil)

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk)

**Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

3 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to :

- i. Replacement community facility within the borough
- ii. Payment of £500,000 to the City Council to be held in escrow until the applicant has secured suitable viable replacement facility within a period of four years from the date of planning permission
- iii. Compliance with the Council's Code of Construction Practice, provide a Site Environmental Management Plan prior to the commencement of development and provide a financial contribution of £52,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;
- iv. Car club membership for residents of the development;
- vii. Highway works surrounding the site required for the development to occur;
- viii. Costs of monitoring the S106 agreement.

- 4 The written scheme of archaeological investigation will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with Historic England Greater London Archaeology Guidelines. It must be approved by the City Council before any on-site development related activity occurs. It is recommended that the archaeological fieldwork should comprise of the following:

#### Watching Brief

A watching brief involves the proactive engagement with the development groundworks to permit investigation and recording of features of archaeological interest which are revealed. A suitable working method with contingency arrangements for significant discoveries will need to be agreed. The outcome will be a report and archive.

Archaeological monitoring of any geotechnical investigation would also be a useful exercise and may enable the scope of the archaeological watching brief to be refined.

- 5 To be able to comply with the Code of Construction Practice a full SEMP will be required on the site. This should cover the following:

a. Site Information:

- i. Environmental management structure;
- ii. Location of any potentially sensitive receptors;

b. Environmental Management:

- i. Summary of main works
- ii. Public access and highways (parking, deliveries, loading/unloading, site access and egress, site hoardings)
- iii. Noise and vibration (predictions, managing risks and reducing impacts)
- iv. Dust and Air Quality (risk rating, managing risks and reducing impacts)
- v. Waste management (storage, handling, asbestos, contaminated land)
- vi. Water Resources (site drainage, surface water and groundwater pollution control, flood risk)
- vii. Lighting
- viii. Archaeology and build heritage (if applicable)
- ix. Protection of existing installations (if applicable)
- x. Urban ecology (if applicable);
- xi. Emergency procedures;
- xii. Liaison with the local neighbourhood.

c. Monitoring:

- i. Details of receptors
- ii. Threshold values and analysis methods ;
- iii. Procedures for recording and reporting monitoring results;
- iv. Remedial action in the event of any non-compliance.

- 6 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team  
Environmental Health Service  
Westminster City Hall  
64 Victoria Street  
London  
SW1E 6QP  
Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

7 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

8 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)

9 Conditions 15 and 16 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

10 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)

11 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)

12 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway

works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

- 13 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 14 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
- \* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;
  - \* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.
- Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/risk/index.htm](http://www.hse.gov.uk/risk/index.htm).
- It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.
- 15 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 16 Under Section 25 of the Greater London Council (General Powers) Act 1973 you need planning permission to use residential premises as temporary sleeping accommodation. To make sure that the property is used for permanent residential purposes, it must not be used as sleeping accommodation by the same person for less than 90 nights in a row. This applies to both new and existing residential accommodation.
- Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year). (I38AB)

- 17 The term 'clearly mark' in condition means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 18 Your attention is drawn to the advice contained in the Environment Agency letter dated 16 September 2015 which recommends that finished floor levels are raised to the 2100 breach level of 4.906m AOD.
- 19 The Service and Management Plan (SMP) should identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised, in this case.
- It should clearly outline how servicing will occur on a day to day basis, almost as an instruction manual or good practice guide for the occupants. A basic flow chart mapping the process may be the easiest way to communicate the process, accompanied by a plan highlighting activity locations. The idea of the SMP is to ensure that goods and delivery vehicles spend the least amount of time on the highway as possible and do not cause an obstruction to other highway users.
- 20 You must get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 for the following advertisements: fascia signs. (I04AA)



**DRAFT DECISION LETTER**

**Address:** Westminster Fire Station, 4 Greycoat Place, London, SW1P 1SB,

**Proposal:** Use of the Fire Station (ground floor) as Class A3 and (four upper floors) as Class C3 use (6 flats) with associated internal and external alterations. Demolition of the existing rear buildings and replacement with a five storey residential building to provide 11 flats with balconies, excavation of one storey basement under the entire footprint of the site to accommodate A3 use and residential use. Installation of photovoltaic panels to roof level of rear building. Rebuilding of the existing rear tower with installation of plant on top.

**Reference:** 16/05217/LBC

**Plan Nos:** WF-P\_00L; WF-P\_00S; WF-P\_01; WF-P\_02; WF-P\_03; WF-P\_04; WF-P\_05; WF-P\_06; WF-P\_07; WF-P\_08; WF-P\_09; WF-P\_10; WF-P\_11; WF-P\_12; WF-P\_13; WF-P\_14; WF-P\_15; WF-P\_16; WF-P\_17 A; WF-P\_18 A; WF-P\_19; WF-P\_20; WF-P\_21; WF-P\_22; WF-P\_23; WF-P\_24; WF\_25 A; WF\_26 A; WF-P\_27; WF-P\_31; WF-P\_32; WF-P\_20; WF-P\_33; WF\_34 A; WF-P\_40; WF-P\_41; WF-P\_42; WF-P\_43; WF-P\_44; WF-P\_45; WF-P\_46; WF-P\_47; WF-P\_51; WF-P\_52; WF-P\_53; Heritage statement dated June 2016;

**Case Officer:** Aurore Manceau

**Direct Tel. No.** 020 7641 7013

**Recommended Condition(s) and Reason(s)**

- 1 The works hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Broadway and Christchurch Gardens Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July

2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Broadway and Christchurch Gardens Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Broadway and Christchurch Gardens Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 5 You must apply to us for approval of detailed drawings of the following parts of the development: i) new windows at a scale of 1:10 with x-sections at 1:5, ii) new doors at a scale of 1:10 with x sections at 1:5, You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the works according to these details.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Broadway and Christchurch Gardens Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 6 A scheme of mechanical ventilation to provide adequate cooling and incorporating appropriate

air quality filtration should be provided to the residential properties. Details of the scheme must be submitted to and approved by the Local Planning Authority prior to the occupation of the residential units. The approved scheme should be installed and maintained.

**Reason:**

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Broadway and Christchurch Gardens Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

**Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (July 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest., , In reaching this decision the following were of particular relevance:., S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
  
- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:., \* any extra work which is necessary after further assessments of the building's condition;., \* stripping out or structural investigations; and, \* any work needed to meet the building regulations or other forms of statutory control., , Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents., , It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.